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## Unified in Dignified Appalachian Pride

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**UNIFIED IN DIGNIFIED APPALACHIAN PRIDE**

*Aaron Ferrari\* & Will Rhee\*\**

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*“We don’t have much money, but we’re dignified  
And happy in our Appalachian pride”*  
—June Carter Cash, *Appalachian Pride* (1975).<sup>1</sup>

## I. INTRODUCTION

When considering justice for Appalachia, a powerful political polemic should be perceived in proper perspective. The so-called *What’s the Matter?*<sup>2</sup> argument (“WTM argument”) patronizingly assumes—without actually knowing—that entire parts of the nation like Appalachia act or vote against their own self-interest. This polemic, unfortunately, has poisoned previous<sup>3</sup> and present<sup>4</sup> discussions about Appalachian justice.

The WTM argument, explored in Part I, essentializes<sup>5</sup> Appalachians beyond any legitimate empirical inferences. In statistical terms, it lacks reliability<sup>6</sup> and validity.<sup>7</sup> Although individual Appalachians might act against their self-interest, what makes the argument polemical is its sweeping categorical inferences about *all* Appalachians that simply are not supported by its flawed

<sup>1</sup> JUNE CARTER CASH, *Appalachian Pride*, on APPALACHIAN PRIDE (Columbia Records 1975).

<sup>2</sup> This polemic was made popular by two books from opposing ends of the political spectrum—liberal Thomas Frank’s Democrat-apologizing book *What’s the Matter with Kansas?*, and conservative Jack Cashill’s Republican counterattack *What’s the Matter with California?*. See JACK CASHILL, *WHAT’S THE MATTER WITH CALIFORNIA?: CULTURAL RUMBLES FROM THE GOLDEN STATE AND WHY THE REST OF US SHOULD BE SHAKING* (2007); THOMAS FRANK, *WHAT’S THE MATTER WITH KANSAS? HOW CONSERVATIVES WON THE HEART OF AMERICA* (2005).

<sup>3</sup> See Nicholas F. Stump & Anne Marie Lofaso, *De-Essentializing Appalachia: Transformative Socio-Legal Change Requires Unmasking Regional Myths*, 120 W. VA. L. REV. 823 (2018); see also RONALD ELLER, *UNEVEN GROUND: APPALACHIA SINCE 1945*, 89 (2008); Elizabeth Catte, *Liberal Shaming of Appalachia: Inside the Media Elite’s Obsession with the “Hillbilly Problem,”* SALON (Mar. 21, 2017, 7:00 PM), <https://www.salon.com/2017/03/21/liberal-shaming-of-appalachia-inside-the-media-elites-obsession-with-the-hillbilly-problem/>.

<sup>4</sup> See Stump & Lofaso, *supra* note 3, at 825–29; Catte, *supra* note 3.

<sup>5</sup> Essentialism assumes that one or a few members of a group represent the entire group. Will Rhee, *Entitled to Be Heard: Improving Evidence-Based Policy Making Through Audience and Public Reason*, 85 IND. L.J. 1315, 1328, 1328 n.71 (2010) (citation omitted).

<sup>6</sup> Statistical reliability is “the extent to which it is possible to replicate a measurement, reproducing the same value (regardless of whether it is the right one) on the same standard for the same subject at the same time.” Lee Epstein & Gary King, *The Rules of Inference*, 69 U. CHI. L. REV. 1, 83 (2002).

<sup>7</sup> Statistical validity is “the extent to which a reliable measure reflects the underlying concept being measured.” *Id.* at 87.

sampling (the “stereotyping sampling error”). This stereotyping sampling error is literally the dictionary definition of discrimination.<sup>8</sup>

Despite its polemical nature, however, the *WTM* argument makes empirical statements about its intended audience or beneficiaries, namely poor Appalachians. When evaluating justice for Appalachia, the starting point should be public scrutiny of empirical evidence assessing whether Appalachians living in Appalachia<sup>9</sup> or forced by work to migrate<sup>10</sup> have prospered or perished under the reach of a particular law, policy, or political leader.<sup>11</sup>

Part II analyzes limited empirical evidence to test the *WTM* argument. Despite Appalachia’s clear swing from Democrat to Republican U.S. Presidential candidates since 1980, there is empirical evidence to suggest that—consistent with a previous empirical study<sup>12</sup>—Appalachian Presidential voting patterns overall have not been significantly more anomalous than national Presidential voting patterns.<sup>13</sup>

Focusing on an audience like Appalachians can bridge deep partisan divides. Liberals, conservatives, and independents can agree that the party in power, the law that just passed, or the newly adopted policy should ultimately be judged by how much they actually measurably improve real, individual Appalachian lives.

Moreover, Appalachian essentialism can be strategically turned on its head to unite otherwise marginalized Appalachians into an empowered Appalachia with the political and popular influence equivalent to the third largest

<sup>8</sup> For example, *Webster’s Dictionary* defines “discrimination” as “the act, practice, or an instance of discriminating categorically rather than individually.” *Discrimination*, MIRIAM-WEBSTER: DICTIONARY, <https://www.merriam-webster.com/dictionary/discrimination> (last visited Mar. 29, 2018).

<sup>9</sup> Although Appalachia has multiple definitions, this Essay adopts the Appalachian Regional Commission’s statutory definition of Appalachia as spanning the length of the Appalachian Mountains, including parts of 12 states—Alabama, Georgia, Kentucky, Maryland, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Virginia—and all of West Virginia. See 40 U.S.C. §§ 14101, 14102 (2012); see also *The Appalachian Region*, APPALACHIAN REGIONAL COMMISSION, [https://www.arc.gov/appalachian\\_region/TheAppalachianRegion.asp](https://www.arc.gov/appalachian_region/TheAppalachianRegion.asp) (last visited Mar. 29, 2018).

<sup>10</sup> “Urban Appalachians” are native Appalachians who were forced to leave Appalachia to find work. During the so-called Great Migration of the 1940s to 1960s, four million resident Appalachians moved to Eastern and Midwestern cities in search of work. *About Urban Appalachians*, URBAN APPALACHIAN COMMUNITY COALITION, <http://uacvoice.org/about-urban-appalchians/> (last visited Mar. 29, 2018).

<sup>11</sup> See Rhee, *supra* note 5, at 1317–18.

<sup>12</sup> See Robert Bickel & Cheryl Brown, *Appalachian Counties in Appalachian States: Is There a Distinctively Appalachian Voting Pattern?*, 14 J. APPALACHIAN STUD. 99 (2008).

<sup>13</sup> This analysis implements standard statistical approaches to examine select variables related to economic growth and prosperity alongside presidential voting patterns from 1980 to 2016 to discover to what extent, if at all, they are correlated. The availability of these data at the county scale lends itself to incorporation of spatial analysis using Geographic Information Systems (GIS).

state in the nation. Such an audience focus by Appalachians for Appalachians can, echoing June Carter's words,<sup>14</sup> unify all Appalachians in dignified Appalachian pride.

## II. WHAT'S THE MATTER WITH APPALACHIA?

With the election of President Donald Trump, the U.S. media has been accused of seeking to stereotype Appalachia as “mythic Trump Country.”<sup>15</sup> A seductive frame through which to view Appalachians remains the *WTM* argument, made famous by Thomas Frank<sup>16</sup> and Jack Cashill.<sup>17</sup> The argument's current manifestation appears to be, what is the matter with Appalachians? Why are they voting against their own self-interest?<sup>18</sup> Frank himself has called it the “Appalachification of much of the United States.”<sup>19</sup> Appalachian political scientist David Sutton agrees with Frank.<sup>20</sup> As the transparently titled *No Sympathy for the Hillbilly* asserted, some commentators believe that it is “a fool's errand . . . to cater to the white-identity politics of the hard-core, often self-sabotaging Trump voters who helped drive the country into a ditch on Election Day.”<sup>21</sup>

Despite its aspirations to explain empirical evidence, the *WTM* argument commits the stereotyping sampling error.<sup>22</sup> The *WTM* argument ultimately is about value choices; it is really for its own tribe's benefit, not the other tribe's; it

<sup>14</sup> See CASH, *supra* note 1.

<sup>15</sup> See Catte, *supra* note 3 (collecting media coverage during the 2016 election); Catherine V. Moore, *Dissatisfied with the National Media's Frame, Appalachia Finds Its Own Voice*, COLUM. JOURNALISM REV. (July 6, 2017), [https://www.cjr.org/local\\_news/appalachia-journalism.php](https://www.cjr.org/local_news/appalachia-journalism.php). As Moore summarized,

Even before Donald Trump's election, Appalachia was treated as a kind of Rosetta stone for deciphering rural white poverty in America. In its aftermath, media inquiries . . . confirmed many residents' deep-seated fear that the national press only shows up when the news is bad, or to make them look like fools or freaks. Instead of inviting input on how to frame their stories, reporters seemed to be looking for people to fit a frame they already had in mind.

*Id.*

<sup>16</sup> FRANK, *supra* note 2, at 1–2.

<sup>17</sup> CASHILL, *supra* note 2, at 5–7.

<sup>18</sup> Frank himself recognized “the state of West Virginia, one of the poorest in the nation, in the process of transforming itself into a conservative redoubt.” FRANK, *supra* note 2, at 259.

<sup>19</sup> Thomas Frank, *Storybook Plutocracy*, PUB. BOOKS (Nov. 21, 2013), <http://www.publicbooks.org/storybook-plutocracy/>.

<sup>20</sup> Accord David Sutton, *Living Poor and Voting Rich*, 32 APPALACHIAN J. 340, 343 (2005).

<sup>21</sup> Frank Rich, *No Sympathy for the Hillbilly: Democrats Need to Stop Trying to Feel Everyone's Pain, and Hold on to Their Own Anger*, NYMAG.COM (Mar. 19, 2017, 9:00 PM), <http://nymag.com/daily/intelligencer/2017/03/frank-rich-no-sympathy-for-the-hillbilly.html>.

<sup>22</sup> See *supra* note 8 and accompanying text.

ignores deep stories and thereby refuses to scale the empathy wall; and the actual empirical evidence testing it is mixed.

*A. The WTM Argument's True Audience Is Its Base, Not the Opposition*

Because it is a self-fulfilling prophecy preaching to the converted, the *WTM* argument—in both its liberal and conservative manifestations—fails to persuade the other side. Instead, it causes the unpersuaded to fear blame shifting.

1. Love Liberals and Blue-Collar Workers, Problem Solved

Frank's *WTM* argument is that poor conservatives vote against their self-interest because of the so-called "Great Backlash," which "mobilizes voters with explosive social issues"<sup>23</sup> like abortion, guns, and faith<sup>24</sup> "marr[ied] to pro-business economic policies. Cultural anger is marshaled to achieve economic ends."<sup>25</sup> Although not the first to make this argument, Frank's exposition might be the most popular.<sup>26</sup>

Frank's solution to conservatives' allegedly paranoid, irrational hatred of liberal Democrats<sup>27</sup> is twofold. First, love Democrats. With fundamentalist fervor, Frank believes that "the Democrats are the party of workers, of the poor, of the weak and victimized. Understanding this . . . is basic; it is part of the ABCs of adulthood."<sup>28</sup> So, according to Frank, someone who is not a Democrat apparently is not an adult. Frank's fellow Democrat echoes his obsequious orthodoxy, "'How can anyone who has ever worked for someone else ever vote Republican?' she asked. How could so many people get it so wrong?"<sup>29</sup>

Second, Frank criticizes his Democratic Party for "forget[ting] blue-collar voters and concentrat[ing] instead on recruiting affluent, white-collar professionals who are liberal on social issues."<sup>30</sup> By minimizing economic

<sup>23</sup> FRANK, *supra* note 2, at 5.

<sup>24</sup> *Id.* at 5–7.

<sup>25</sup> *Id.* at 5. Although Frank's book appears limited to Kansas, it really applies to the entire United States. When sold overseas, the same book was entitled *What's the Matter with America?*. See THOMAS FRANK, *WHAT'S THE MATTER WITH AMERICA?: THE RESISTIBLE RISE OF THE AMERICAN RIGHT* (2011), <https://www.penguin.co.uk/books/1037129/what-s-the-matter-with-america/>.

<sup>26</sup> See Larry Bartels, *What's the Matter with What's the Matter with Kansas?*, 1 Q. J. POL. SCI. 201, 201 (2006) (citing authorities since 1969).

<sup>27</sup> FRANK, *supra* note 2, at 135–36.

<sup>28</sup> *Id.* at 1.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.* at 243; see also THOMAS FRANK, *LISTEN LIBERAL: OR, WHAT EVER HAPPENED TO THE PARTY OF THE PEOPLE?* 47 (Metropolitan Books 2016).

issues, Democrats, according to Frank, enabled conservative ignorance of economic problems and conservative focus on the culture wars.<sup>31</sup>

## 2. Love Traditional Values, Problem Solved

Rivaling Frank in self-assuredness, Cashill's *WTM* argument is that California's "zero-sum multiculturalism"<sup>32</sup> has wrought a litany of otherwise avoidable self-inflicted wounds: an "enthusiasm for gates and fences;"<sup>33</sup> a "lack [of] a sense of humor;"<sup>34</sup> "eternal victimization for the poor and eternal employment for the do-gooders;"<sup>35</sup> high taxes;<sup>36</sup> excessively expensive environmentalism that only the rich can afford;<sup>37</sup> overly regulated, pricey, and "sustainable" energy utilities that resulted in infamous energy blackouts and coerced renewable energy sources;<sup>38</sup> "excessive worker's comp[ensation] payments;"<sup>39</sup> "staggering drug and alcohol abuse;"<sup>40</sup> excessive lawsuits ("often on 'civil-rights' charges");<sup>41</sup> high number of lifetime welfare recipients;<sup>42</sup> high black father absenteeism;<sup>43</sup> high number of unwed black mothers;<sup>44</sup> high black murder rate;<sup>45</sup> high black incarceration rate;<sup>46</sup> lack of housing opportunities;<sup>47</sup> growing disagreement and despair over the assimilation of immigrants "into the fabric of the United States;"<sup>48</sup> and rampant illegal immigration, especially in

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<sup>31</sup> FRANK, *supra* note 2, at 176.

<sup>32</sup> CASHILL, *supra* note 2, at 31.

<sup>33</sup> *Id.* at 15–16.

<sup>34</sup> *Id.* at 187–89.

<sup>35</sup> *Id.* at 88.

<sup>36</sup> *Id.* at 88–89.

<sup>37</sup> *Id.* at 172–73, 193–98.

<sup>38</sup> *Id.* at 172–73, 181–84.

<sup>39</sup> *Id.* at 88.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *Id.* at 86.

<sup>43</sup> *Id.* at 86–87.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.* at 71.

<sup>46</sup> *Id.* at 73.

<sup>47</sup> *Id.* at 97.

<sup>48</sup> *Id.* at 233.

“sanctuary cities.”<sup>49</sup> Cashill’s solution is a return to traditional values like fatherhood,<sup>50</sup> family, faith, patriotism,<sup>51</sup> and self-control.<sup>52</sup>

As both Frank’s and Cashill’s respective partisan hit jobs demonstrate, the problem with so-called “culture” is that by definition culture is anti-empirical. Culture, admits Frank, is an “infinitely malleable malefactor, upon which any evil design can be projected.”<sup>53</sup> Such malleability is demonstrated by Frank and Cashill’s contradictory cultural *WTM* explanations. According to Frank, culturally conservative Republican Kansas embodies the traditional values Cashill champions as California’s cure-all. In the same manner, by Cashill’s account, predictably progressive Democratic California has been faithfully following Frank’s formula for fortune.

Although quoting from the same *WTM* cultural credo and agreeing on the same adversarial *ad hominem* attacks, normative nemeses Frank and Cashill cannot in reality both be right. Battling over California’s zero-sum multiculturalism, which allegedly states, “I’m OK, you’re not,”<sup>54</sup> one of them (if not both) must be factually wrong.

### 3. Don’t Blame Us for Our Own Misfortune

In his book, Frank recounts what he calls—probably quite accurately to Cashill or any other thoughtful U.S. citizen—one of the “most ill conceived liberal electoral efforts of all time,” the British *Guardian* newspaper’s scheme to have its readers write more than 11,000 personal letters to voters in swing vote Clark County, Ohio (not part of Appalachia<sup>55</sup>) to persuade them to vote Democrat, not Republican, in 2004.<sup>56</sup> As any red- (or, for that matter, blue-) blooded American (or is it “Merican”?) would guess, the well-intentioned foreign letters basically had the opposite effect. The title of a news story surveying U.S. responses to the *Guardian* campaign says it all.<sup>57</sup>

The disastrous *Guardian* letter-writing campaign demonstrates patronizingly telling voters that they are voting against their own self-interest is

<sup>49</sup> *Id.* at 230–31.

<sup>50</sup> *Id.* at 76.

<sup>51</sup> *Id.* at 37.

<sup>52</sup> *Id.* at 325–26.

<sup>53</sup> FRANK, *supra* note 2, at 136.

<sup>54</sup> *Id.* at 31.

<sup>55</sup> See 40 U.S.C. §§ 14101, 14102 (2012).

<sup>56</sup> FRANK, *supra* note 2, at 135.

<sup>57</sup> See *Dear Limey Assholes*, GUARDIAN (Oct. 18, 2004, 6:53 PM), <https://www.theguardian.com/world/2004/oct/18/uselections2004.usa2>.



an ineffective way to persuade them to change.<sup>58</sup> The *WTM* argument has catalyzed an entire genre of social science literature<sup>59</sup> and a panoply of public engagement organizations<sup>60</sup> seeking to understand and bridge entrenched political partisanship.

The supposed beneficiaries (or victims) of the *WTM* argument might suspect that the argument's real purpose is to blame them for their own misfortune. An Appalachian advocate who calls himself the "Thoughtful Coal Miner" opined that Appalachians viewed such liberal paternalism as elitist victim blaming:

This is all obvious to us "ignorant hillbillies." It is also obvious to us that we are frequently characterized as simple-minded white trash in the national media and by faux hillbilly authors . . . . And we know why this happens: because this kind of caricature makes it seem to be our fault. Like we were too dumb to leave when the coal industry crashed. Like we are the ones too stupid to understand the environmental costs. . . . For many Appalachians, the coal industry is a necessary evil for both our economic and cultural survival. We are quite literally damned if we do, and damned if we don't.

We know we don't have a choice. Why doesn't the rest of the nation understand this too?<sup>61</sup>

A Princeton professor concurred, stating that Frank's liberal *WTM* argument is "particularly satisfying for liberal intellectuals because it puts the blame on poor people rather than those like them."<sup>62</sup> Demonstrating blaming's bipartisanship, Cashill's conservative *WTM* argument blames liberals for many

<sup>58</sup> See Matthew Feinberg & Robb Willer, *From Gulf to Bridge: When Do Moral Arguments Facilitate Political Influence?*, PERSONALITY & SOC. PSYCHOL. BULL. 1, 1–3 (2015) (collecting authorities); see also J. L. Sullivan & J. E. Transue, *The Psychological Underpinnings of Democracy: A Selective Review of Research on Political Tolerance, Interpersonal Trust, and Social Capital*, 50 ANN. REV. PSYCHOL. 625, 625–50 (1999).

<sup>59</sup> See Carrie Menkel-Meadow, *Why We Can't "Just All Get Along": Dysfunction in the Polity and Conflict Resolution and What We Might Do About It*, 2018 J. DISP. RESOL. 5, 16–24 (2018) (summarizing research).

<sup>60</sup> See *Members Directory*, NAT'L COALITION FOR DIALOGUE & DELIBERATION, <http://ncdd.org/map> (last visited Feb. 25, 2018); see also Arlie Russell Hochschild, *A Response to William Davies' "A Review of Arlie Russell Hochschild's Strangers in Their Own Land: Anger and Mourning on the American Right,"* 30 INT'L J. POL. CULTURE & SOC'Y. 422, 422–23 (2017).

<sup>61</sup> Nick Mullins, *Don't Tell Coal Country, 'That's What You Get for Voting for Trump,'* HUFFPOST (Dec. 13, 2017), [https://www.huffingtonpost.com/entry/dont-tell-coal-country-thats-what-you-get-for-voting\\_us\\_5a2eb58ee4b0e5443a092a82](https://www.huffingtonpost.com/entry/dont-tell-coal-country-thats-what-you-get-for-voting_us_5a2eb58ee4b0e5443a092a82) (emphasis omitted).

<sup>62</sup> Thomas Frank, *Class Is Dismissed*, 1 & n.1 (citation omitted), [https://www.tcfrank.com/media/TCFRANK\\_Class\\_Dismissed\\_2005.pdf](https://www.tcfrank.com/media/TCFRANK_Class_Dismissed_2005.pdf) (unpublished manuscript) (last visited Mar. 29, 2018).

avoidable ills, including the Jonestown massacre,<sup>63</sup> Taliban traitor John Walker Lindh,<sup>64</sup> and failing minority schools.<sup>65</sup>

Fearing such elitist, caricatured blame shifting, famed University of California Berkeley sociologist Arlie Russell Hochschild moved to Lake Charles, Louisiana, to get to know individual members of the so-called Tea Party movement (“Tea Partiers”)<sup>66</sup> in “the heartland of the American right” for *five* years.<sup>67</sup> Inspired by Frank,<sup>68</sup> Hochschild sought to answer the same question as the *WTM* argument<sup>69</sup> without succumbing to its stereotyping sampling error.<sup>70</sup>

Although she stretched out of her liberal comfort zone and came to deeply understand friends with fundamentally different worldviews, Hochschild admitted that at the end of the day, nobody changed their political positions. In the 2016 election, she still voted Democrat and her Louisiana Tea Party buddies still voted Republican.<sup>71</sup> “Purchased political influence is real, powerful, and at play,” wrote Hochschild, but the “duping—and the presumption of gullibility” at the core of the *WTM* argument “is too simple an idea.”<sup>72</sup> In its place, Hochschild offers a more sophisticated view of the partisan socio-cultural wars.

### *B. The WTM Argument Ignores Our Deep Stories*

Frank and Cashill are unduly dismissive of their partisan adversary’s socio-cultural worldview.<sup>73</sup> In contrast, Hochschild understands that people may perceive voting in accordance with their values to be in their self-interest.<sup>74</sup> Isn’t politics’ purpose to address fundamental moral questions?<sup>75</sup> What causes otherwise reasonable and informed people of all partisan persuasions to engage

<sup>63</sup> CASHILL, *supra* note 2, at 146.

<sup>64</sup> *Id.* at 275.

<sup>65</sup> *Id.* at 255–59; *see also supra* notes 32–49 and accompanying text.

<sup>66</sup> *See* THEDA SKOCPOL & VANESSA WILLIAMSON, *THE TEA PARTY AND THE REMAKING OF REPUBLICAN CONSERVATISM* 10–13 (2012) (defining the Tea Party).

<sup>67</sup> ARLIE RUSSELL HOCHSCHILD, *STRANGERS IN THEIR OWN LAND: ANGER AND MOURNING ON THE AMERICAN RIGHT* ix–xii (2016).

<sup>68</sup> *Id.* at 8–9.

<sup>69</sup> *Id.*

<sup>70</sup> *See supra* note 8 and accompanying text.

<sup>71</sup> *Id.* at 237.

<sup>72</sup> *Id.* at 14.

<sup>73</sup> *See supra* notes 23–25, 32–52 and accompanying text.

<sup>74</sup> HOCHSCHILD, *supra* note 67, at 15 (citing JONATHAN HAIDT, *THE RIGHTEOUS MIND: WHY GOOD PEOPLE ARE DIVIDED BY POLITICS AND RELIGION* (2012); SKOCPOL & WILLIAMSON, *supra* note 66).

<sup>75</sup> *See* Jon A. Shields, *In Praise of the Values Voter*, WILSON Q., Autumn 2007, at 32, 35.

in the sweeping othering, stereotyping sampling error,<sup>76</sup> and shoddy reasoning of the *WTM* argument is what Hochschild calls the “empathy wall.”

### 1. Blocked by the Empathy Wall

An empathy wall “is an obstacle to deep understanding of another person, one that can make us feel indifferent or even hostile to those who hold different beliefs or whose childhood is rooted in different circumstances.”<sup>77</sup> Empathy walls divide not only Frank and Cashill from their erstwhile audiences but also Frank from Cashill. Entrenched in their own tribalism, they too are blinded by their own socio-cultural values.

Such unwillingness to see inherent hypocrisy *is* what is the matter with the *WTM* argument. Through his liberal Democratic lens, Frank assumes that more government is the solution for Kansans’ empirical ills.<sup>78</sup> Faith in government is a value. Through his conservative Republican lens, Cashill similarly assumes that traditional American values are preferable to multiculturalism.<sup>79</sup> Privileging traditional American values is a value choice as well.

### 2. Scaling the Empathy Wall

Although Hochschild admits she is a Democrat who agrees with Frank,<sup>80</sup> she refused to make the stereotyping sampling error.<sup>81</sup> Instead, she decided to leave her liberal Berkeley bubble, “enter a red state, and try to scale the empathy wall.”<sup>82</sup> Through careful ethnographic research, Hochschild empathically listened to real individual Tea Partiers in Louisiana. She understood that “[w]e, on both sides, wrongly imagine that empathy with the ‘other’ side brings an end to clearheaded analysis when, in truth, it’s on the other side of that [empathy] bridge that the most important analysis can begin.”<sup>83</sup> As a result, Hochschild believes that there is a genuine opportunity for cooperation, at least on crossover issues, between even the most otherwise ideologically opposed Americans.<sup>84</sup>

<sup>76</sup> See *supra* note 8 and accompanying text.

<sup>77</sup> HOCHSCHILD, *supra* note 67, at 5.

<sup>78</sup> FRANK, *supra* note 2, at 84–85, 177.

<sup>79</sup> CASHILL, *supra* note 2, at 327.

<sup>80</sup> See HOCHSCHILD, *supra* note 67, at 8–10.

<sup>81</sup> See *supra* note 8 and accompanying text.

<sup>82</sup> *Id.* at 10.

<sup>83</sup> *Id.* at xi.

<sup>84</sup> *Id.* at 232–36.

### 3. Hearing Your Opponent's Deep Story

Based on her qualitative interviews with individual Red Staters, Hochschild hypothesized that different worldviews—what she calls “deep stor[ies]”<sup>85</sup>—might be behind Frank’s Great Backlash.<sup>86</sup> The *WTM* argument thus might be more the “refraction” of the truth through different worldview “prisms” than deliberately ignoring the truth.

#### *i. The Conservative Waiting-in-Line Deep Story*

What was the deep story of the Louisiana Tea Partiers she befriended? Ultimately, it was about fundamental fairness. Hochschild employs an extended waiting-in-line analogy. A “good citizen” is following the rules and patiently “‘waiting in line’ for a coveted reward—financial means and honored identity” when “other people ‘cut in line,’ moving that person backward.”<sup>87</sup> Then, a “person standing ahead of them—more urbane and educated—turns around to insult them for being backward, ill-educated, prejudiced[,] . . . a ‘redneck,’”<sup>88</sup> or a hillbilly.

Such good, patient line-standers “fear becoming ‘strangers in their own land.’”<sup>89</sup> The unfair, line-cutting “impostors” may appear to the hard-working, rule-abiding “good citizens” to be either “falsely entitled *insiders*—blacks and women who share their cultural and national identity but may come from a higher social class and benefit from Affirmative Action programs of the federal government” or “national or cultural *outsiders*—immigrants and Muslims.”<sup>90</sup>

In both cases, the stander-in-line feels wronged. While partly overlapping, the objects of blame, frustration, and resentment differ. In both cases, the line cutters threaten not only the secure social standing of the good citizen but also the stability of the surrounding culture through which the waiting, the line, the prize come to hold meaning.<sup>91</sup>

Unlike Frank, who assumes that more government is the answer,<sup>92</sup> the Tea Partiers Hochschild interviewed were “tired of government being in [their]

<sup>85</sup> HOCHSCHILD, *supra* note 67, at 135–51.

<sup>86</sup> FRANK, *supra* note 2, at 5.

<sup>87</sup> Hochschild, *supra* note 60, at 421.

<sup>88</sup> *Id.*

<sup>89</sup> *Id.*

<sup>90</sup> *Id.* at 421 (emphasis in original).

<sup>91</sup> *Id.*

<sup>92</sup> See *supra* note 74 and accompanying text.

business.”<sup>93</sup> Their deep story focuses on the “freedom *to*” do things and not on the “freedom *from*” harmful ills like pollution or gun violence.<sup>94</sup> They hated the government telling them what to do, like what light bulbs to buy or what to eat.<sup>95</sup> Instead of government, their story prefers church and community.<sup>96</sup>

Hochschild’s Tea Partiers embrace the free market and understand that all they can reasonably expect from self-interested companies are jobs. As one related, “It’s not in the company’s *own interest* to have a spill or an accident. They try hard. . . . [s]o if there’s a spill, it’s probably the best the company [can] do.”<sup>97</sup> Companies may be punitive and selfish, but at least they are honest.<sup>98</sup>

In contrast, Hochschild’s Tea Partiers believed that government is dishonest, lazy, and inefficient.<sup>99</sup> The federal government is a “bigger, badder version of state government,” and state government does business companies’ “moral dirty work.”<sup>100</sup>

To her liberal left friends, Hochschild wrote that even though some powerful right-wing organizers may succeed in appealing to the *bad angels* of the conservative right, “that appeal obscures another—to the right wing’s *good angels*—their patience in waiting in line in scary economic times, their capacity for loyalty, sacrifice, and endurance . . . . Consider the possibility that in their situation, you might end up closer to their perspective.”<sup>101</sup>

## ii. *The Liberal Public Square Deep Story*

What of the liberal left’s deep story? Although Hochschild’s book focused on understanding the conservative worldview, she did summarize a liberal Democrat deep story, perhaps her own:

[P]eople stand around a large public square inside of which are creative science museums for kids, public art and theater programs, libraries, schools—a state-of-the-art public infrastructure available for use by all. They are fiercely proud of it. Some of them built it. Outsiders can join those standing around the square, since a lot of people who are insiders now were outsiders in the past; incorporation and acceptance of difference feel like American values represented in the Statue of

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<sup>93</sup> HOCHSCHILD, *supra* note 67, at 58.

<sup>94</sup> *Id.* at 71 (emphasis omitted).

<sup>95</sup> *See id.* at 122.

<sup>96</sup> *See id.* at 122–23.

<sup>97</sup> *Id.* at 66 (emphasis in original) (internal quotation marks omitted).

<sup>98</sup> Hochschild, *supra* note 60, at 421 (emphasis in original) (citation omitted).

<sup>99</sup> *Id.* at 421–22.

<sup>100</sup> *Id.* at 422.

<sup>101</sup> HOCHSCHILD, *supra* note 67, at 234 (emphasis in original).

Liberty. But in the liberal deep story, an alarming event occurs; marauders invade the public square, recklessly dismantle it, and selfishly steal away bricks and concrete chunks from the public buildings at its center. Seeing insult added to injury, those guarding the public square watch helplessly as those who've dismantled it construct private McMansions with the same bricks and pieces of concrete, privatizing the public realm.<sup>102</sup>

In light of these different deep stories, Hochschild hypothesizes that both liberal Democrats and conservative Republicans focus on different conflicts and the different forms of unfairness that flow from those conflicts. While the left focuses on the private sector, the 1% over-class versus the 99% emerging under-class, the right focuses on the public sector “as a service desk for a growing class of idle ‘takers.’”<sup>103</sup>

Unlike the deductive *WTM* argument, Hochschild's deep story is inductive. Formulating the analogy from the common threads in her individual interviews with actual people, she also went back and confirmed the deep story's accuracy with those same people.<sup>104</sup> Hochschild added that her deep story parallels other sociologists' interviews with Tea Partiers.<sup>105</sup> Her deep story provides an alternative explanation for the Great Backlash,<sup>106</sup> one that combines culture and empiricism without paternalism.

### C. *The WTM Argument's Empirical Evidence Is Mixed*

Finally, even assuming away the many empirical problems with the *WTM* argument's methodology, the empirical evidence that such voters are voting against their supposed self-interest is at best mixed. The actual empirical evidence is neither as clear nor as indisputable as the *WTM* argument claims.

#### 1. Cashill and Frank Admit that Their Methods Lack Empirical Rigor

Both Cashill and, to a lesser extent, Frank admit that their books' methodologies are not rigorously empirical. Initially, Cashill admirably aspires to focus empirically on individual outcomes.<sup>107</sup> Later, Cashill admits his methods

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<sup>102</sup> *Id.* at 235–36 (emphasis in original).

<sup>103</sup> *Id.* at 236.

<sup>104</sup> *Id.* at 145–46.

<sup>105</sup> *Id.* at 145 (citing Nils Kumkar, *A Socio-Analysis of Discontent: Protests Against the Politics of Crisis in the U.S. and Germany: An Empirical Comparison* (Nov. 30, 2015) (unpublished Ph.D. thesis, Department of Sociology, University of Leipzig)); SKOCPOL & WILLIAMSON, *supra* note 66).

<sup>106</sup> FRANK, *supra* note 2, at 5.

<sup>107</sup> CASHILL, *supra* note 2, at 17.

include “pure SWAG (sophisticated, wild-assed guess) estimates”<sup>108</sup> and notes that there is “nothing scientific about [the] survey.”<sup>109</sup>

Unlike Cashill, Frank is much more defensive. Frank describes his methodology as “based on movement literature, local history, interviews, state-level election results, and personal observation.”<sup>110</sup> He admits that his book “is, at its core, a cultural study, a look at the rhetoric and ideology of right-wing populism.”<sup>111</sup> He also implicitly concedes that his *WTM* argument may suffer from the stereotyping sampling error,<sup>112</sup> responding that his book “does not require or depend upon a majoritarian argument of any kind; it only requires that the cultural formation in question is *significant* or is somehow *worth examining*.”<sup>113</sup>

## 2. Social Science Reception of the *WTM* Argument Remains Mixed

As Frank himself describes, his book was “assailed by the director of a prestigious Ivy League political science research center,” namely Dr. Larry Bartels.<sup>114</sup> In 2005, Bartels presented a paper critical of Frank’s work, that he later revised, at the American Political Science Association’s annual meeting aptly entitled, “What’s the Matter with *What’s the Matter with Kansas?*”<sup>115</sup> Bartels disputes Frank’s premise that the white working-class votes against its own self-interest. Other social scientists, however, have accepted Frank’s premise.

### *i. White Working-Class Voting Against Its Self-Interest Has Been Exaggerated*

Bartels’s critique and Frank’s response mostly talk past each other, reinforcing the fact that Frank’s work ultimately is a polemic, not a serious empirical study. Using statistical analyses of American National Election Study

<sup>108</sup> *Id.* at 22.

<sup>109</sup> *Id.* at 58.

<sup>110</sup> Frank, *supra* note 62, at 1.

<sup>111</sup> *Id.* at 17.

<sup>112</sup> *See supra* note 8 and accompanying text.

<sup>113</sup> Frank, *supra* note 62, at 17 (emphasis in original).

<sup>114</sup> *Id.* at 1.

<sup>115</sup> Bartels eventually published his critique. Compare Larry M. Bartels, *What’s the Matter with What’s the Matter with Kansas?* (Sept. 1–4, 2005) (unpublished manuscript), [https://inequality.stanford.edu/sites/default/files/media/\\_media/pdf/Reference%20Media/Bartels\\_2006\\_Social%20Class%20and%20Occupations.pdf](https://inequality.stanford.edu/sites/default/files/media/_media/pdf/Reference%20Media/Bartels_2006_Social%20Class%20and%20Occupations.pdf) [hereinafter *WTM with WTM* 2005], with Larry M. Bartels, *What’s the Matter with What’s the Matter with Kansas?*, 1 Q. J. POL. SCI. 201, 201 (2006) [hereinafter *WTM with WTM* 2006].

(ANES) surveys,<sup>116</sup> Bartels quantitatively tested four specific questions based on Frank's book: (1) "Has the white working class abandoned the Democratic party?,"<sup>117</sup> (2) "Do '[v]alues [m]atter [m]ost' to the [w]hite [w]orking [c]lass?,"<sup>118</sup> (3) "How do Frank's 'cultural wedge issues' test among his white working-class voters?,"<sup>119</sup> and (4) "Is the Democratic Party [p]ursuing a '[c]riminally [s]tupid [s]trategy'?"<sup>120</sup>

Bartels's empirical answer in 2006 was to disagree with Frank's conclusion on every question. First, he claimed that white abandonment was limited mostly to southern whites without college degrees and thus could be explained away as resistance to Democratic civil rights support.<sup>121</sup> Second, he found no evidence that economic issues had diminished in white working-class voter significance.<sup>122</sup> Third, he found working-class whites closer to Democrats on abortion and gender and more liberal than both parties on gun control.<sup>123</sup> Finally, he disputed Frank's framing as "a ludicrous overreaction to the party's current political difficulties."<sup>124</sup>

In 2006, a study of national survey data concluded that voters put much more weight on economic issues than moral ones, implicitly disagreeing with Frank.<sup>125</sup> In 2008, a study of white working-class labor union voters found that white union voters fit Bartels's description while, conversely, white non-union voters fit Frank's description.<sup>126</sup> In 2009, a voter registration study argued that reliance on U.S. Presidential voting was misleading because the binary choice cannot identify strength of party commitment. Instead, voter registrations demonstrated that Americans were actually becoming more independent, implicitly discrediting Frank's argument.<sup>127</sup> In 2010, an income inequality study found that higher-income Americans overall were more likely to vote Republican than lower-income Americans but, unlike Frank, otherwise observed no clear

<sup>116</sup> *Home*, AM. NAT'L ELECTION STUD., <http://www.electionstudies.org/index.html> (last visited Mar. 29, 2018).

<sup>117</sup> *WTM with WTM* 2006, *supra* note 115, at 205.

<sup>118</sup> *Id.* at 211.

<sup>119</sup> *Id.* at 218.

<sup>120</sup> *Id.* at 219.

<sup>121</sup> *Id.* at 224.

<sup>122</sup> *Id.*

<sup>123</sup> *Id.* at 224–25.

<sup>124</sup> *Id.* at 223.

<sup>125</sup> Stephen Ansolabehere et al., *Purple America*, 20 J. ECON. PERSPS. 97, 99 (2006).

<sup>126</sup> Peter Francia, *Voting on Values or Bread-and-Butter?: Effects of Union Membership on the Politics of the White Working Class*, 12 PERSPECTIVES ON WORK 27 (Summer 2008/Winter 2009).

<sup>127</sup> See Eric McGhee & Daniel Krimm, *Party Registration and the Geography of Party Polarization*, 41 POLITY 345, 345–46 (2009).



relation between income inequality and class-based voting.<sup>128</sup> A 2010 symbolic racism study disagreed with Frank's belief that Republican victories are not based on racism.<sup>129</sup> In 2011, a survey of populist partisan images agreed with Bartels that most Americans, including the working class, view Democrats as the people's party.<sup>130</sup>

In 2018, Bartels's the-sky-is-not-falling-for-Democrats assessment seems anachronistic. Congresswoman Cheri Bustos (D-IL), Co-Chair of the Democratic Policy and Communications Committee for House Democrats and Chair of Heartland Engagement for the Democratic Congressional Campaign Committee, recently released a report notably through her own political action committee and not the Democratic National Committee: *Hope from the Heartland: How Democrats Can Better Serve the Midwest by Bringing Rural, Working Class Wisdom to Washington*.<sup>131</sup> In this report, Bustos interviewed 72 current or former Democratic officials who managed to be elected by rural, predominantly Republican-voting constituents (including Appalachian Ohio).<sup>132</sup>

The Democrats interviewed in the Bustos report disagreed with Bartels<sup>133</sup> and appeared to agree with much of Frank's critique. As the report unambiguously noted, "Democrats from rural areas face an existential crisis. The number of Democrats holding office across the nation is at its lowest point since the 1920's and the decline has been especially severe in rural America, whose economic fortunes have slipped markedly during this same period."<sup>134</sup>

Since 2005, Bartels has refined his critique of Frank's *WTM* argument. To Bartels, Frank's argument is "vastly exaggerated."<sup>135</sup> Instead, Bartels explains the rural turn to the Republican Party with "three notable biases in the workings of economic accountability in contemporary American electoral politics."<sup>136</sup> (1)

<sup>128</sup> Andrew Gelman et al., *Income Inequality and Partisan Voting in the United States*, 91 SOC. SCI. Q. 1203, 1203, 1213 (2010).

<sup>129</sup> Pearl Ford et al., *What's the Matter with Arkansas? Symbolic Racism and 2008 Presidential Candidate Support*, 40 PRESIDENTIAL STUD. Q. 286, 299–300 (2010).

<sup>130</sup> Stephen Nicholson & Gary Segura, *Who's the Party of the People? Economic Populism and the U.S. Public's Beliefs About Political Parties*, 34 POL. BEHAVIOR 369, 369 (2012).

<sup>131</sup> CHERI BUSTOS & ROBIN JOHNSON, *HOPE FROM THE HEARTLAND: HOW DEMOCRATS CAN BETTER SERVE THE MIDWEST BY BRINGING RURAL, WORKING CLASS WISDOM TO WASHINGTON* (2018), <https://medium.com/@cherpacpress/hope-from-the-heartland-how-democrats-can-better-serve-the-midwest-by-bringing-rural-working-e5ff746f9839> (last visited Mar. 29, 2018).

<sup>132</sup> *Id.* at 3.

<sup>133</sup> To be fair to Bartels, he did clarify in his study, "My analysis implies no particular political strategy for Democrats (or, for that matter, for Republicans)." *WTM with WTM* 2005, *supra* note 115, at 31.

<sup>134</sup> BUSTOS & JOHNSON, *supra* note 131, at 2.

<sup>135</sup> LARRY M. BARTELS, *UNEQUAL DEMOCRACY: THE POLITICAL ECONOMY OF THE NEW GILDED AGE* 75 (2d ed. 2016).

<sup>136</sup> *Id.*

voter myopia that “respond[s] strongly” to election-year income growth while forgetting most of the incumbent President’s past economic performance;<sup>137</sup> (2) even lower-income voters focus more on “election-year income growth among affluent families” than on their own or the entire nation’s;<sup>138</sup> and (3) Republican campaign spending over Democrats has swayed voters.<sup>139</sup> Bartels estimates that these three biases “have probably added almost four percentage points to the average Republican popular vote and altered the outcomes of five of the past 16 presidential elections.”<sup>140</sup>

ii. *There Is Scholarly Support for Frank’s WTM Argument.*

Unlike Bartels, many social scientists have accepted Frank’s book. In 2014, Jeffrey Stonecash wondered if widespread academic acceptance of Frank’s thesis was uncritical and biased.<sup>141</sup> He speculated that academic disappointment over the working class’s failure to “fulfill[] the image of the revolting proletariat” might have influenced academics to “uncritically accept[]” the unconvincing *WTM* argument.<sup>142</sup>

Accepting Frank’s *WTM* argument, a 2009 sociological study, ironically employing the same ANES data Bartels used, identified six possible explanations. White working-class voters believe Republican economic policies (1) will help them now; (2) will help them when they become rich; (3) reward hard work and are ideologically correct even if they don’t personally benefit; (4) alone are bad but support those policies when combined with values issues like abortion, gay marriage, or foreign policy; (5) because they are misinformed; or (6) are bad but vote Republican anyway to favor trumping “moral values.”<sup>143</sup> Contradicting Bartels, the study concluded that ANES data did not support the first five explanations and, consistent with Frank’s thesis, argued for the last explanation.<sup>144</sup>

Frank inspired Hochschild’s ethnographic work.<sup>145</sup> As recently as 2017, careful sociologists like William Davies have characterized Frank’s book as

<sup>137</sup> *Id.*

<sup>138</sup> *Id.*

<sup>139</sup> *Id.*

<sup>140</sup> *Id.* at 76.

<sup>141</sup> Jeffrey Stonecash, *Thinking About Young*, in Karen Cerulo, *Forum Mailbox*, 29 SOC. FORUM 240, 240–41 (2014).

<sup>142</sup> *Id.*

<sup>143</sup> Monica Prasad et al., *The Undeserving Rich: “Moral Values” and the White Working Class*, 24 SOC. FORUM 225, 226–27 (2009).

<sup>144</sup> *Id.* at 227.

<sup>145</sup> HOCHSCHILD, *supra* note 67, at 8.

“superb.”<sup>146</sup> *Foreign Affairs* called it “fresh,” “engaging,” and “sadly conventional.”<sup>147</sup> Frank’s thesis appears popular among “despair[ing]” and “bemuse[d]” Europeans.<sup>148</sup> Political historian Brian Glenn credits Frank with identifying a “Fourth Great Awakening.”<sup>149</sup> In 2012, Katherine Walsh offered an alternative to both Frank and Bartels where rural voters rationally intertwine their economic and values interests through “rural consciousness.”<sup>150</sup>

In 2013, Frank Young found some statistical support for Frank’s assertions that “the working class does vote Republican” and that such working-class voting correlates with a “decline in average county population,” but theorized that “the fear that whites experience as the white population shrinks causes the backlash reaction and the Republican vote that Frank describes.”<sup>151</sup> In 2014, Frank’s own magazine cited an economic ideology study (that curiously never cites Frank) as claiming it “can empirically prove” that the *WTM* argument “is true.”<sup>152</sup>

Although, as Frank described, the *WTM* argument is “significant” and “worth examining,”<sup>153</sup> there is no support for applying it categorically to entire diverse populations like Appalachia. As Young recognized, the *WTM* argument “does not attempt to separate facts from theory.”<sup>154</sup> From an empirical perspective, as Glenn realized, a “convincing argument is different from one that has been tested robustly and compared to other states.”<sup>155</sup> The best way to use polemics like the *WTM* argument therefore is to test them empirically instead of uncritically accepting their appealing arguments.

<sup>146</sup> William Davies, *A Review of Arlie Russell Hochschild’s Strangers in Their Own Land: Anger and Mourning on the American Right*, 30 INT’L J. POL. CULTURE & SOC’Y 413, 415 (2017).

<sup>147</sup> Walter Mead, *What’s the Matter with Kansas? How Conservatives Won the Heart of America*, FOREIGN AFFS., Nov.–Dec. 2004, at 151 (book review).

<sup>148</sup> See Lawrence Avery, *What’s the Matter with Kansas? How Conservatives Won the Heart of America*, 81 INT’L AFF. 891, 891 (2005) (book review).

<sup>149</sup> Brian J. Glenn, *Kansas Politics in the Bigger Picture: A Review Essay of What’s the Matter with Kansas?*, 2 FORUM, no. 4, 2004, at 1, 13–16.

<sup>150</sup> Katherine Cramer Walsh, *Putting Inequality in Its Place: Rural Consciousness and the Power of Perspective*, 106 AM. POL. SCI. REV. 517, 517–18 (2012).

<sup>151</sup> Frank W. Young, “What’s the Matter with Kansas?” *A Sociological Answer*, 28 SOC. FORUM 864, 864 (2013). This Essay’s analysis does not support Young’s conclusion concerning population decline. See *infra* Figures 1a, 1b, & 1c.

<sup>152</sup> Lauren Kirchner, *We Do Actually Know What’s the Matter with Kansas*, BAFFLER, Aug. 20, 2014 (citing Stefan Krasa & Mattias Polborn, *Social Ideology and Taxes in Differentiated Candidates Framework*, 104 AM. ECON. REV. 308 (2014)), <https://thebaffler.com/latest/we-do-actually-know-whats-the-matter-with-kansas>.

<sup>153</sup> Frank, *supra* note 62, at 17 (emphasis in original).

<sup>154</sup> Young, *supra* note 151, at 865.

<sup>155</sup> Glenn, *supra* note 149, at 12.

### III. AM I BETTER OFF THAN FOUR YEARS AGO?

Examining how Appalachians may actually have answered President Reagan's "Are you better off than you were four years ago?"<sup>156</sup> question, this Essay initially tests the *WTM* argument<sup>157</sup> with three correlation studies. After summarizing the findings of a 2008 empirical study of Appalachian voting in the 2004 Presidential election,<sup>158</sup> this Essay conducts three linear regression analyses of Appalachian and national U.S. Presidential election voting patterns from 1980–2016 compared to Appalachian and national (1) population growth, (2) unemployment levels, and (3) median income growth over the same period. This initial analysis suggests that neither population growth, unemployment levels, nor median income growth can conclusively explain Appalachia's U.S. Presidential voting shift from Democrat to Republican. Accordingly, this limited study concurs with the 2008 study that Appalachian county-level voting patterns do not appear to be particularly distinctive for the variables studied.<sup>159</sup>

#### A. County-level Analysis of 2004 U.S. Presidential Election

As Robert Bickel and Cheryl Brown observed in their 2008 analysis of Appalachian voting behavior, the *WTM* argument has been frequently applied to Appalachia.<sup>160</sup> In their county-level analysis of the 2004 U.S. Presidential election, they concluded that "a distinctive Appalachian voting pattern, autonomous of usual demographic measures, does *not* exist."<sup>161</sup> More specifically, once Bickel and Brown "statistically controlled for[] commonplace . . . county-level demographic variables such as median income,

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<sup>156</sup> Bret Schulte, *Ronald Reagan v. Jimmy Carter: "Are You Better Off than You Were Four Years Ago?"*, U.S. NEWS & WORLD REP. (Jan. 17, 2008, 5:00 PM), <https://www.usnews.com/news/articles/2008/01/17/the-actor-and-the-detail-man>.

<sup>157</sup> See *supra* Part I.

<sup>158</sup> Bickel & Brown, *supra* note 12, at 99.

<sup>159</sup> *Id.* at 114.

<sup>160</sup> Bickel and Brown observed the stereotyping sampling error in *WTM* arguments about Appalachia:

Stereotypes of Appalachia are well known and frequently invoked. Typically, they represent Appalachians as afflicted with a distinctive culture of poverty marked by a short-sighted inability to defer gratification in rational pursuit of goals needed to attain a reasonable level of success in a modern society. Appalachians are commonly viewed as passive, easy to manipulate adherents of a "God, guts, and guns!" right-wing populism that blinds them to their own best interests. In the politically charged environment that has prevailed in the U.S. for the past two decades, this distinctive Appalachian culture has been cited as the source of distinctively Appalachian voting patterns.

Bickel & Brown, *supra* note 12, at 99.

<sup>161</sup> *Id.* at 99 (emphasis in original).

level of educational attainment, and ethnic composition,” they found that overall “there is nothing distinctive about Appalachian county-level voting patterns.”<sup>162</sup>

Bickel and Brown, however, did find some correlation with Frank’s *WTM* thesis.<sup>163</sup> Using the Office of Management and Budget’s 2003 classification of Rural-Urban Continuum codes (also known as “Beale Codes”)<sup>164</sup> for every Appalachian county, they found that “for each 1 percent increase in the degree to which a county is rural, the county-level vote for [the Republican candidate] Bush increased, on average, by 0.451 percent.”<sup>165</sup> Mentioning Frank’s book, they concluded that the “emergence of right-wing populism as a rural and small town political force is one important reason for the ascendance of the Republican Party over the past couple of decades.”<sup>166</sup>

*B. Do County Economic Well-Being Variables Correlate with U.S. Presidential Election Voting?*

This statistical analysis attempted to identify the relationship, if any, of select characteristics of each county in Appalachia, as defined by the Appalachian Regional Commission,<sup>167</sup> to how that county voted in U.S. Presidential general elections from 1980 to 2016. Three variables were selected based on their impact on the economic well-being of a county: (1) Population Growth, (2) Unemployment Levels, and (3) Median Income Growth. Using standard spreadsheet software and GIS, a regression model was generated comparing each economic dataset as an independent variable ( $X_{Population}$ ,  $X_{Unemployment}$ , and  $X_{Income}$ ) with election data as the dependent variable ( $Y_{Election}$ ).<sup>168</sup>

<sup>162</sup> *Id.* at 114.

<sup>163</sup> FRANK, *supra* note 2, at 149–52.

<sup>164</sup> Rural-Urban Continuum Codes “form a classification scheme that distinguishes metropolitan (metro) counties by the population size of their metro area, and nonmetropolitan (nonmetro) counties by degree of urbanization and adjacency to a metro area or areas.” *Rural-Urban Continuum Codes*, NAT’L INSTS. HEALTH: NAT’L CANCER INST: SURVEILLANCE, EPIDEMIOLOGY, AND END RESULTS PROGRAM, <https://seer.cancer.gov/seerstat/variables/countyattribs/ruralurban.html> (last updated Apr. 15, 2014).

<sup>165</sup> Bickel & Brown, *supra* note 12, at 112.

<sup>166</sup> *Id.*

<sup>167</sup> To determine the GIS county boundary shapefile for Appalachia, the analysis used U.S. Census data. *Cartographic Boundary Shapefiles – Counties*, U.S. CENSUS BUREAU, [https://www.census.gov/geo/maps-data/data/cbf/cbf\\_counties.html](https://www.census.gov/geo/maps-data/data/cbf/cbf_counties.html) (last visited Feb. 25, 2018). The counties used matched the ADRA’s definition of Appalachia. See *The Appalachian Region*, *supra* note 9.

<sup>168</sup> Election data was compiled from three sources: (1) the U.S. Census for 1980 to 2008 data; (2) the United Kingdom newspaper *The Guardian* for 2012 data; and (3) OpenDataSoft for 2016 data. See U.S. Census Bureau, *Census Table, Election Data, 1980–2008*, <http://www2.census.gov/prod2/statcomp/usac/excel/ELE01.xls> (last visited Dec. 12, 2017); *2012 U.S. Election Data by County*, GUARDIAN, <http://image.guardian.co.uk/sys->

Each test yields an Appalachian and national graphical output model and an  $R^2$  value, which are used to explain to what extent the independent variable influences the dependent variable.

### 1. U.S. Presidential Election Results in Appalachia, 1980–2016

Table 1a (“Appalachian Voting Patterns in U.S. Presidential Elections, 1980–2016”) below summarizes how Appalachia overall voted in the 1980–2016 U.S. Presidential elections. The only two elections in this time frame in which the Appalachian winner did not go on to win the national election were the 2008 and 2012 elections of President Barack Obama.<sup>169</sup> Of the 10 presidential elections shown in Table 1a, Appalachia voted for a Democratic candidate only twice. The margins of victory in Appalachia for those two elections were the lowest of any candidate. By far, the largest margin of victory occurred in the most recent election in 2016, when Republican candidate Donald Trump won Appalachia by a margin of nearly 31%. For comparison, Table 1b (“National Voting Patterns in U.S. Presidential Elections, 1980–2016”) summarizes how the United States voted overall in the 1980–2016 U.S. Presidential elections.

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files/Guardian/documents/2012/11/14/US\_elect\_county.xls (last visited Mar. 29, 2018); OpenDataSoft USA 2016 Presidential Election by County (published by Deleetdk of GitHub), [https://data.opendatasoft.com/explore/dataset/usa-2016-presidential-election-by-county@public/download/?format=xls&timezone=America/New\\_York&use\\_labels\\_for\\_header=true](https://data.opendatasoft.com/explore/dataset/usa-2016-presidential-election-by-county@public/download/?format=xls&timezone=America/New_York&use_labels_for_header=true) (last visited Mar. 29, 2018).

<sup>169</sup> See *Presidential General Election, All States, 2008 and 2012 Summaries*, CQ PRESS LIBRARY, <http://library.cqpress.com/elections/search.php> (last visited Jan. 30, 2018).

**Table 1a: Appalachian Voting Patterns in U.S. Presidential Elections, 1980–2016.**<sup>170</sup>

Election Year	Winning Party	Winning Candidate	Margin of Victory
1980	Republican	Ronald Reagan	3.6%
1984	Republican	Ronald Reagan	16.7%
1988	Republican	George H. W. Bush	10.1%
1992	Democrat	Bill Clinton	1.7%
1996	Democrat	Bill Clinton	0.1%
2000	Republican	George W. Bush	11.8%
2004	Republican	George W. Bush	17.9%
2008	Republican	John McCain	15.6%
2012	Republican	Mitt Romney	8.6%
2016	Republican	Donald Trump	30.9%

**Table 1b: National Voting Patterns in U.S. Presidential Elections, 1980–2016.**<sup>171</sup>

Election Year	Winning Party	Winning Candidate	Margin of Victory
1980	Republican	Ronald Reagan	10.6%
1984	Republican	Ronald Reagan	18.34%
1988	Republican	George H. W. Bush	7.8%
1992	Democrat	Bill Clinton	6.92%
1996	Democrat	Bill Clinton	9.48%
2000	Republican	George W. Bush	0.52%
2004	Republican	George W. Bush	2.48%
2008	Democrat	Barack Obama	7.38%
2012	Democrat	Barack Obama	3.92%
2016	Republican	Donald Trump	2.22%

## 2. Appalachian County Well-Being Compared to Election Results

Table 2 (“Appalachian and National Regression Analyses”) below summarizes the variables and Appalachian and national  $R^2$  results of the three tests. The Essay shall illustrate and explain each test in turn.

<sup>170</sup> See *Presidential Elections*, HISTORY, <http://www.history.com/topics/us-presidents/presidential-elections> (last visited Mar. 29, 2018) (source of winning candidate name); *U.S. Election 2016*, BBC, <http://www.bbc.com/news/election/us2016/results> (last visited Mar. 29, 2018).

<sup>171</sup> See *Presidential General Election, All States, 1980–2016 Summaries*, CQ PRESS LIBRARY, <http://library.cqpress.com/elections/search.php> (last visited Mar. 29, 2018) (subtracted smaller percentage from larger percentage under “Major Party Vote (%)” column).

**Table 2: Appalachian and National Regression Analyses**

<b>Independent Variable</b>	<b>Dependent Variable (<math>Y_{Election}</math>)</b>	<b>Appalachian <math>R^2</math> Value</b>	<b>National <math>R^2</math> Value</b>
$X_{Population}$ <sup>172</sup>	Vote Shift from 1980–2016	0.0036	0.018
$X_{Unemployment}$ <sup>173</sup>	Vote Shift from 1992–2016	0.0634	0.0006
$X_{Income}$ <sup>174</sup>	Vote Shift from 1980–2016	0.0468	0.12

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<sup>172</sup>  $X_{Population}$  data was compiled from two sources: (1) the National Bureau of Economic Research (NBER) for 1970 to 2009 and (2) the U.S. Census Bureau for 2010 to 2016. See *Census U.S. Intercensal County Population Data, 1970–2014*, NAT'L BUREAU ECON. RES., <http://www.nber.org/data/census-intercensal-county-population.html> (last updated Mar. 29, 2016); *County Population Totals and Components of Change, 2010–2017*, U.S. CENSUS BUREAU, <https://www.census.gov/data/tables/2017/demo/popest/counties-total.html> (last updated Mar. 29, 2018).

<sup>173</sup>  $X_{Unemployment}$  data was compiled from the Bureau of Labor Statistics for the years 1990 to 2016. See *Local Area Unemployment Statistics*, U.S. BUREAU LAB. STAT., <https://www.bls.gov/lau/#cntyaa> (last visited Mar. 29, 2018) (county data table and map).

<sup>174</sup>  $X_{Income}$  data was compiled from two separate U.S. Census files: (1) Median Household Income from the 1980 Census and (2) Median Household Income, 2007–2016; See *Small Area Income and Poverty Estimates (SAIPE) Program*, U.S. CENSUS BUREAU, <https://www.census.gov/programs-surveys/saipe.html> (last visited Feb. 25, 2017); *USA Counties Data File Downloads*, U.S. CENSUS BUREAU, <https://www.census.gov/support/USACdataDownloads.html> (last visited Feb. 25, 2018) (households).



**Figure 1a: Appalachian Population – Voting Analysis.**

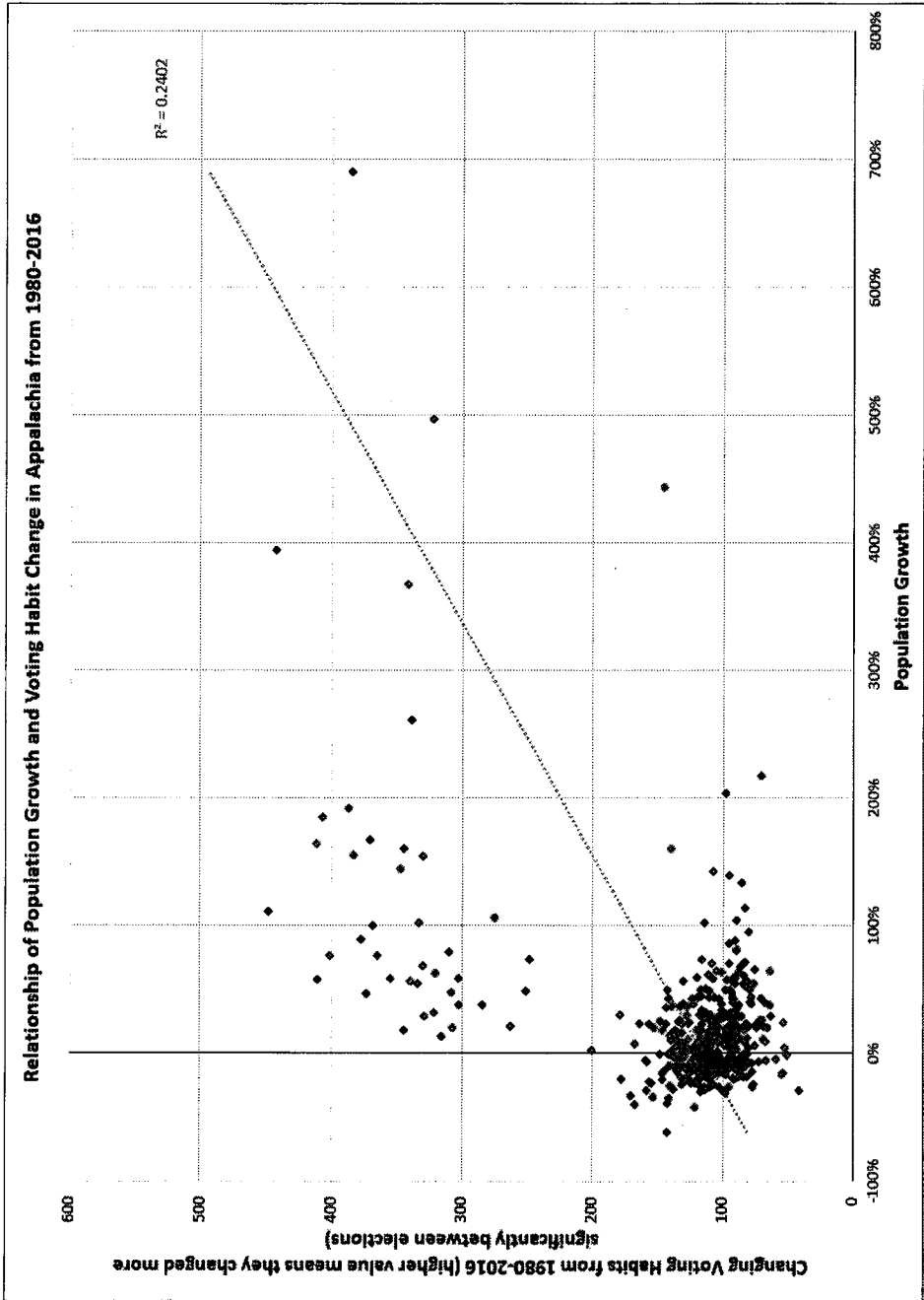


Figure 1a (“Appalachian Population – Voting Analysis”) compares Appalachian population change from 1980 to 2016 with the absolute value of variation in voting results among all presidential general elections from 1980 to

2016. This first model cites a strong correlation between population change and voting results ( $R^2 = 0.2402$ ). As population growth increases, the variation in voting results between elections increases as well. Consequently, the counties with lower or negative growth rates exhibit lower variation in voting results between elections, according to this model.

Initially, this appears to be the most robust of the three regression models, even though it contradicts the authors' expected outcome. The model suggests that counties with declining populations are more likely to stick to the same party every election, which would support the *WTM* argument that more rural Republican voters vote against their economic interests.<sup>175</sup> If outlier counties that experienced extremely high population growth—some as high as 700%—are, however, removed from the model, then the regression value quickly and steadily drops. Figure 1aa (“Histogram of Figure 1a Data (Appalachian Population – Voting Analysis)”) illustrates these outlier counties.

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<sup>175</sup> See FRANK, *supra* note 2, at 68, 76 (listing depopulation as an economic problem).

**Figure 1aa: Histogram of Figure 1a Data  
(Appalachian Population – Voting Analysis).**

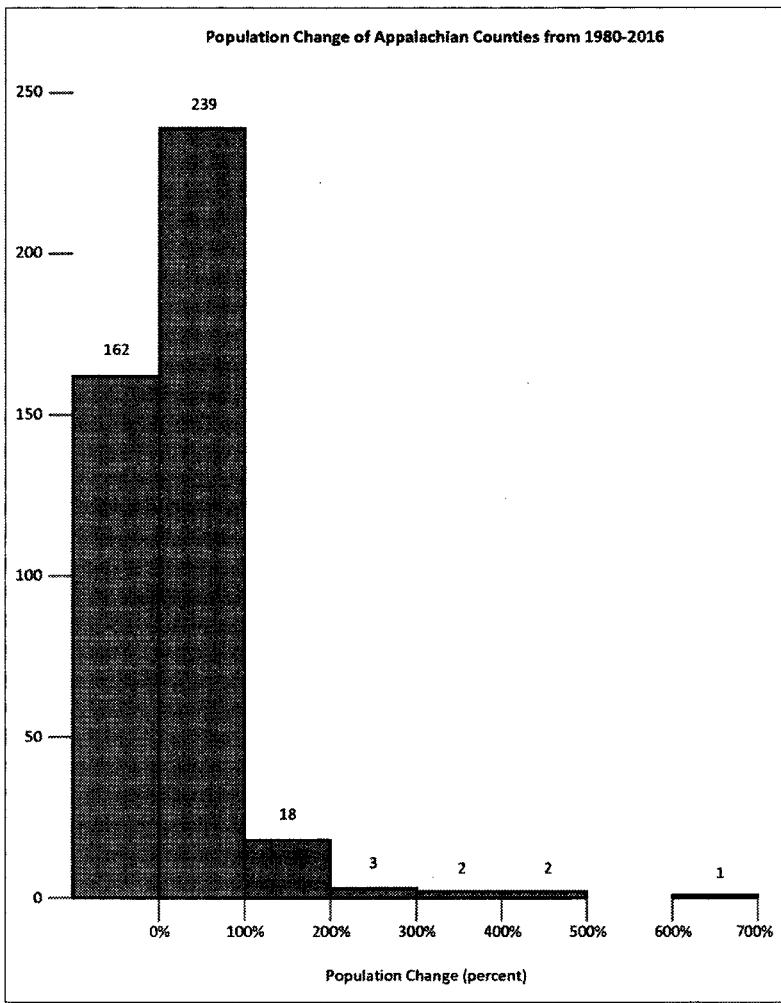
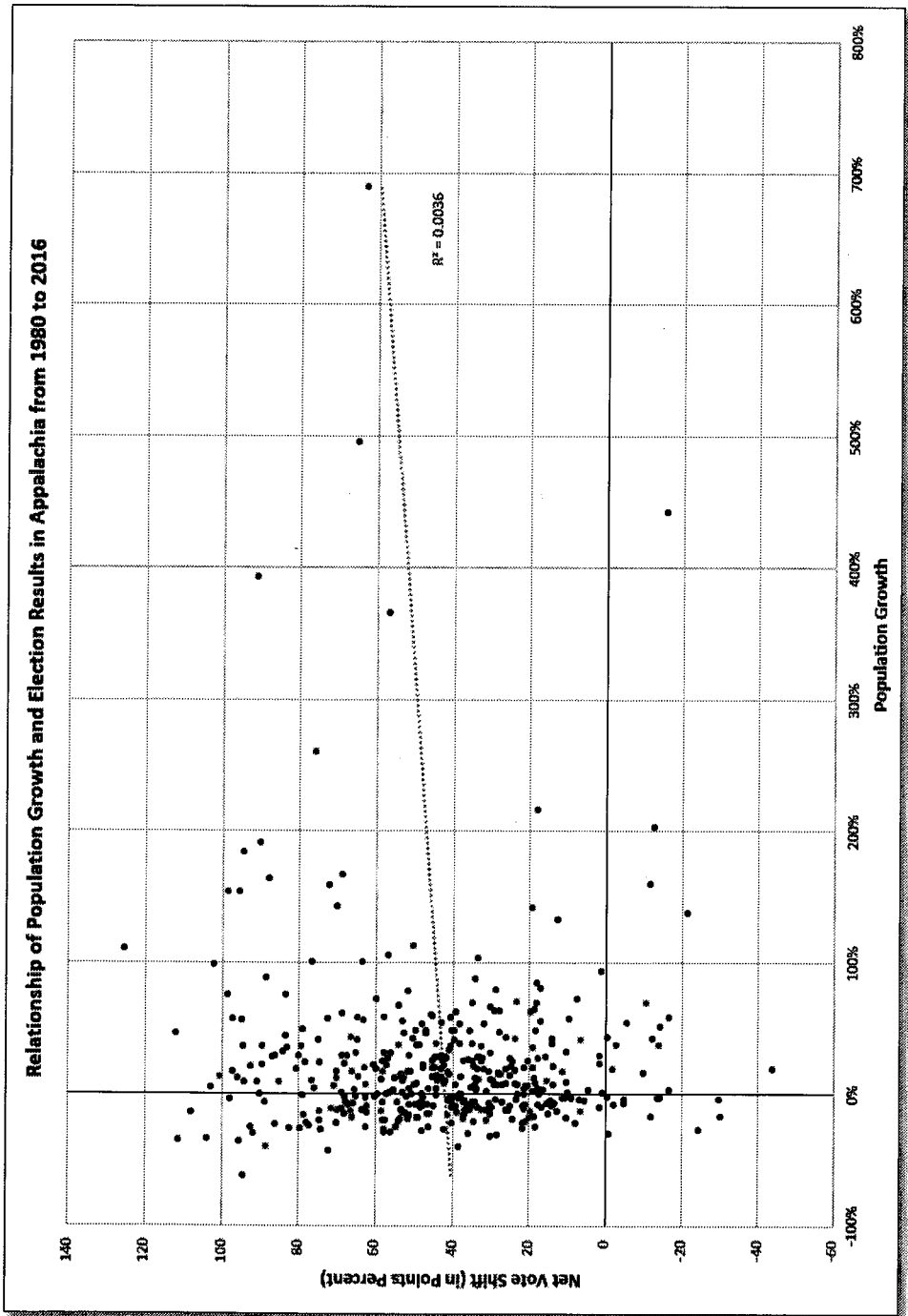


Figure 1aa (“Histogram of Figure 1a Data (Appalachian Population – Voting Analysis)”) indicates that those Appalachian counties experiencing very high population growth may have skewed the model. Six Georgia counties in the Atlanta, Georgia, metropolitan area, Barrow, Cherokee, Dawson, Forsyth, Gwinnett, and Paulding Counties,<sup>176</sup> all experienced over 250% population growth—more than five times the national average of 44%—from 1980 to 2016.

<sup>176</sup> See *Metro Atlanta Regional Map: Atlanta-Sandy Springs-Roswell, GA MSA*, METRO ATLANTA CHAMBER, <https://www.metroatlantachamber.com/resources/most-popular/map-of-metro-atlanta> (last visited Mar. 22, 2018).

Having a rapidly growing population leads to new people with many new values and beliefs entering an area, which could subsequently drive greater variation in voting results. Because this analysis is limited to the individual shift from one U.S. Presidential election to the next one four years later, it does not account for the overall Democrat to Republican trend that appears predominant in Appalachia.

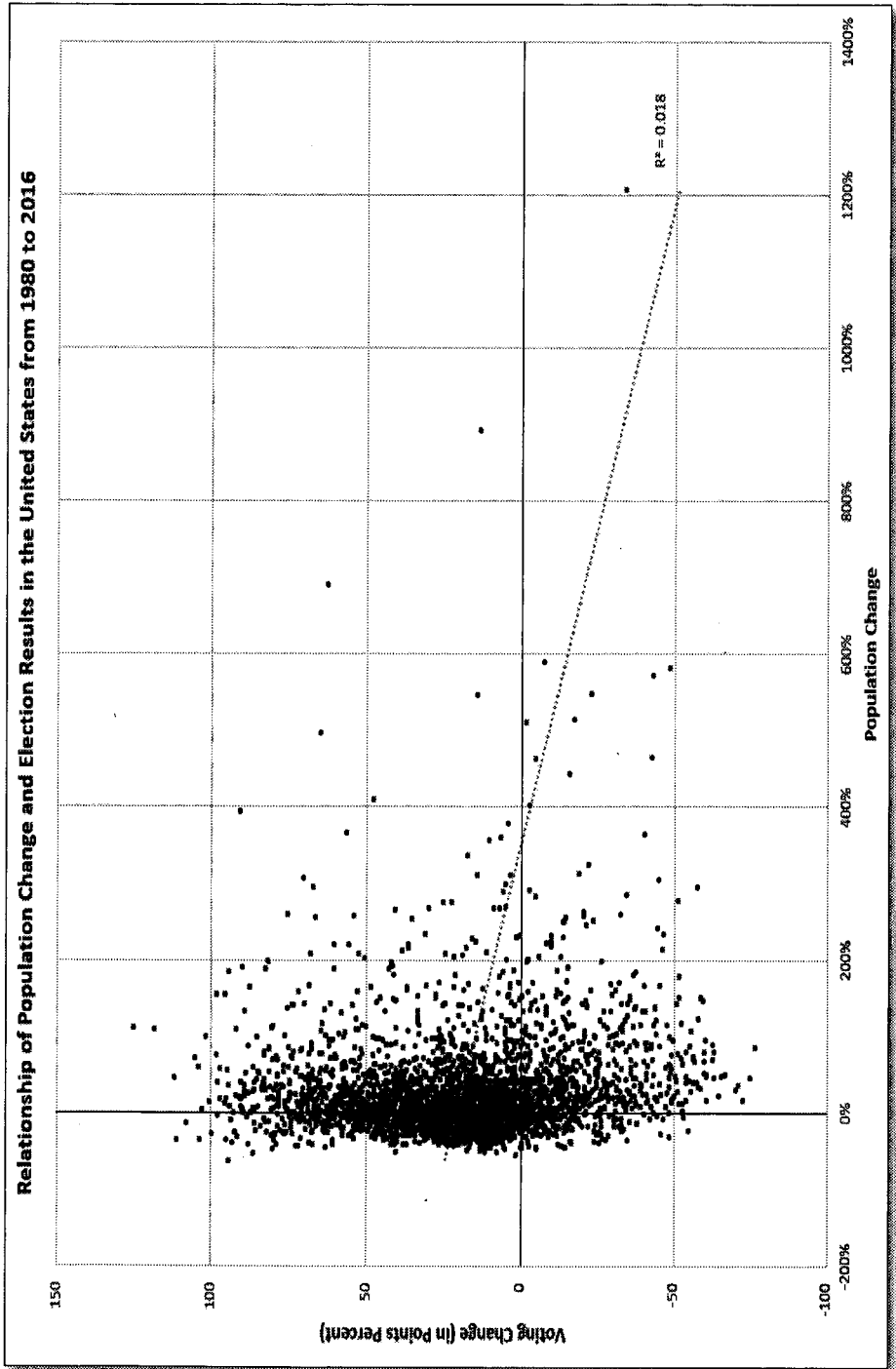
Figure 1b: *Appalachian Population – Voting Analysis Revised.*



Replacing the election variation data with a cumulative dataset that takes the sum of the percentage difference of Appalachian votes cast from 1980 to 2016 for the Republican and Democratic nominees addresses the overall Republican U.S. Presidential voting shift. This revised analysis is illustrated in Figure 1b (“Appalachian Population – Voting Analysis Revised”). Comparing this dataset of vote shift to population growth from the 1980 to 2016 elections yields quite a different result in Figure 1b. In fact, the result is insignificant ( $R^2 = 0.0036$ ), meaning that population growth in Appalachia is a bootless variable for explaining voting patterns. Although the political pundits may speculate that population decline will drive voters to change, this analysis shows how this would be baseless in the case of Appalachia.

For comparison, Figure 1c (“National Population – Voting Analysis”) below depicts the same analysis on a national level. Much like Figure 1a’s Appalachian analysis, population change had minimal impact on voting change ( $R^2 = 0.018$ ). There was a slight downward nationwide trend indicating that U.S. counties which shifted more Republican/less Democrat tended to exhibit lower population growth.

Figure 1c: National Population – Voting Analysis.



**Figure 2a: Appalachian Unemployment – Voting Analysis.**

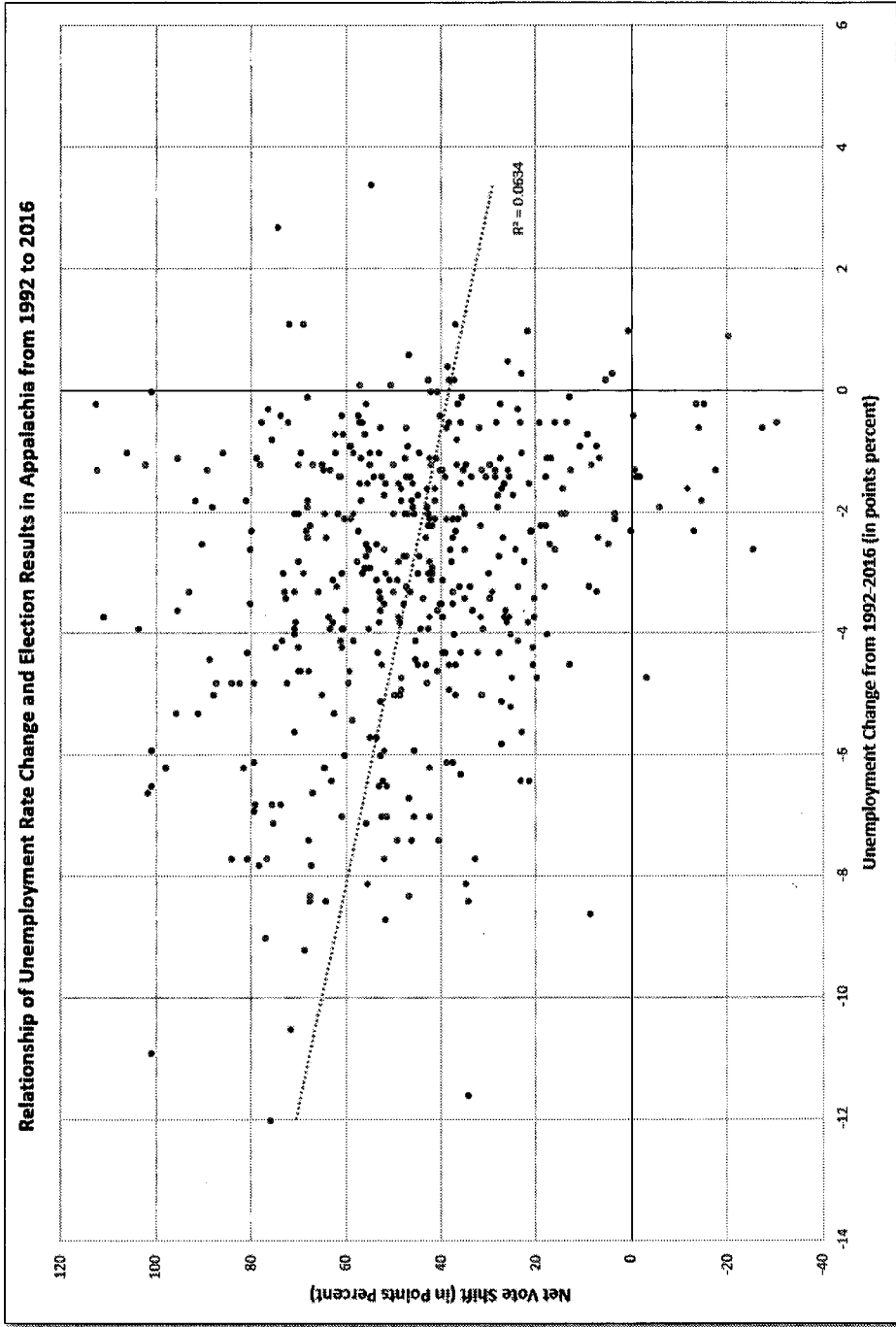




Figure 2a (“Appalachian Unemployment – Voting Analysis”) above compares the value of percentage change in Appalachian voting results between the 1992 and 2016 Presidential elections with the percentage change in unemployment from 1992 to 2016. Although similar to Figure 1b (“Appalachian Population – Voting Analysis Revised”) above in its use of the overall voting shift from Democrat to Republican, Figure 2a differs in temporal scale by beginning in 1992. This is due to the lack of available unemployment data prior to 1990. The average unemployment change was -3.0%. The average voting pattern shift was 47.9%.

In this analysis, the change in unemployment appears to explain only 6% of voting patterns. Although the  $R^2$  value of 0.0634 is low, it trends slightly downward. This suggests that Appalachian counties which experienced a greater drop in unemployment from 1992 to 2016 exhibit more dramatic voting shift from Democratic to Republican in that period. Inversely, counties with more steady or even growing unemployment rates from 1992 to 2016 exhibit a slightly less Republican or slightly more Democratic shift. Although only a minor correlation, it is surprising.

For comparison, Figure 2b (“National Unemployment – Voting Analysis”) below demonstrates that nationwide unemployment had no correlation to how each county voted ( $R^2 = 0.0006$ ). Although the overall relationship remains attenuated, unemployment comparatively had a much greater impact on voting shift in Appalachia than nationally.

**Figure 2b: National Unemployment – Voting Analysis.**

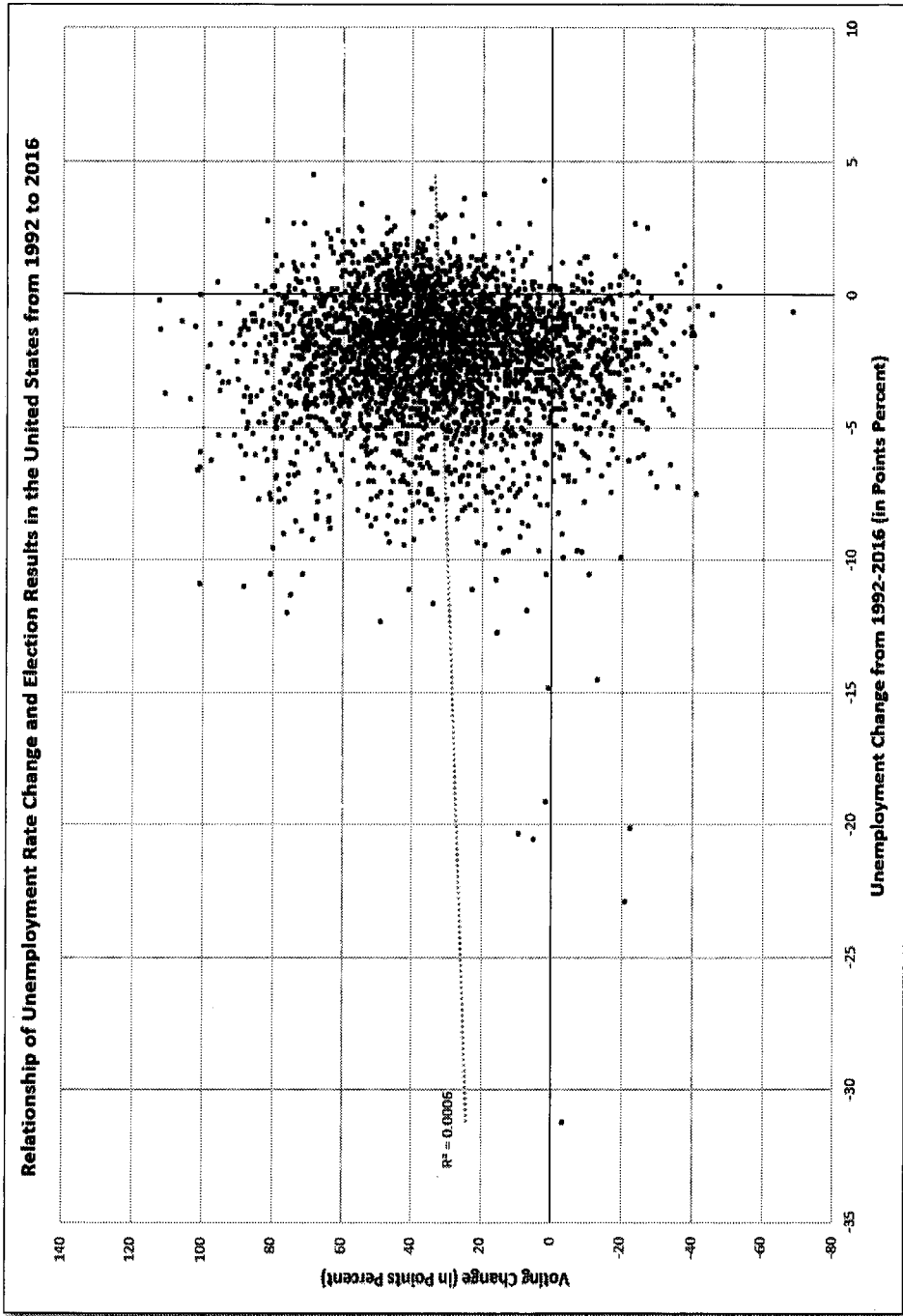


Figure 3a: *Appalachian Income – Voting Analysis.*

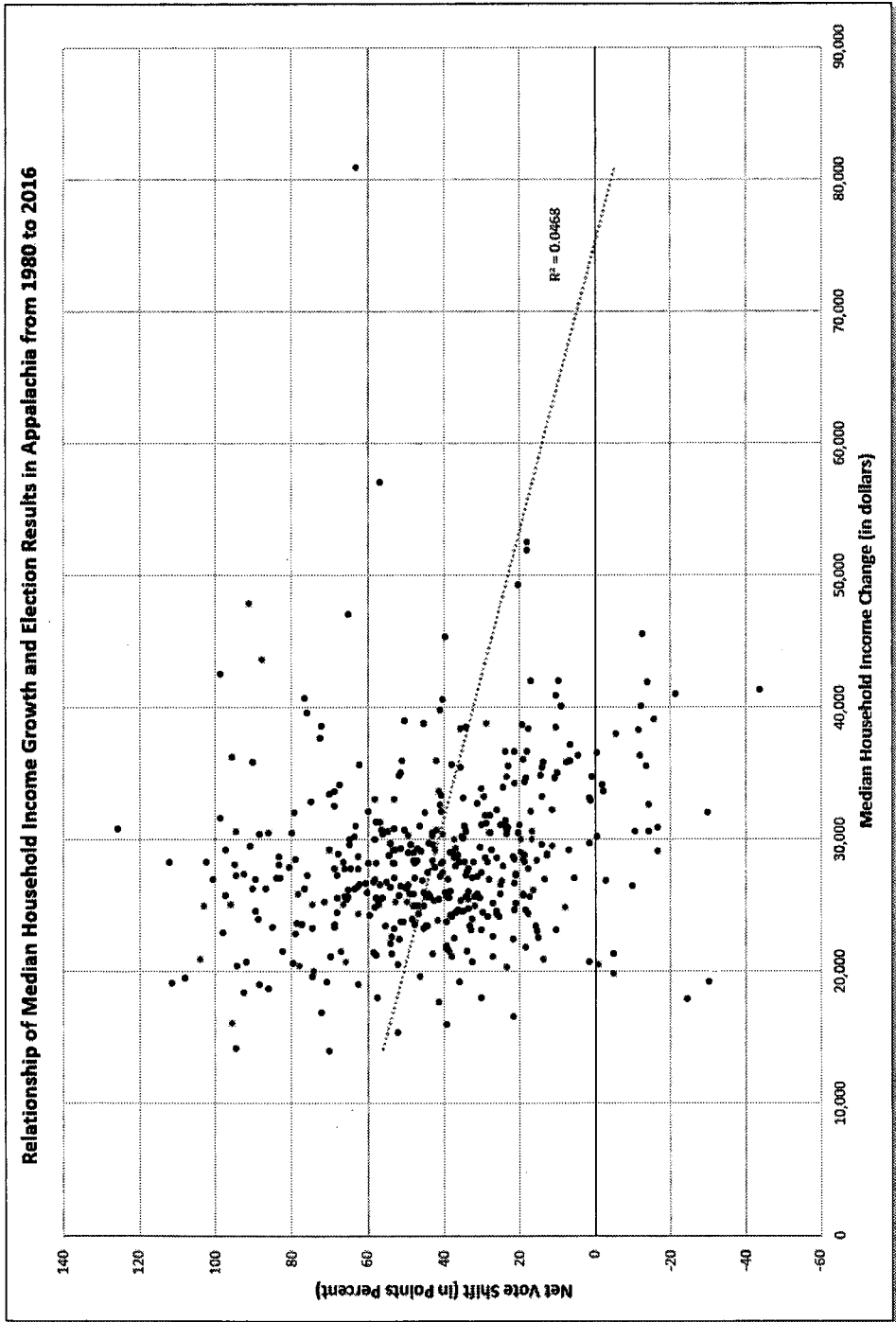


Figure 3a (“Appalachian Income – Voting Analysis”) analyzes the overall Appalachian percentage vote shift from Democrat to Republican and median household income changes from 1980 to 2016. The values for income were for the year prior to the election as Election Day is statutorily mandated to occur on the first Tuesday after the first Monday in November,<sup>177</sup> prior to the end of the year. From 1980 to 2016, the mean value of median household income growth is \$28,700 for an average increase of \$800 per year. From 1980 to 2016, the average shift of Appalachian voting from Democrat to Republican is 42.6%. Although the resulting regression value is low ( $R^2 = 0.0468$ ) with income change explaining less than 5% of the voting pattern shift from Democrat to Republican from 1980 to 2016, as income growth decreased, the shift from Democrat to Republican increased.

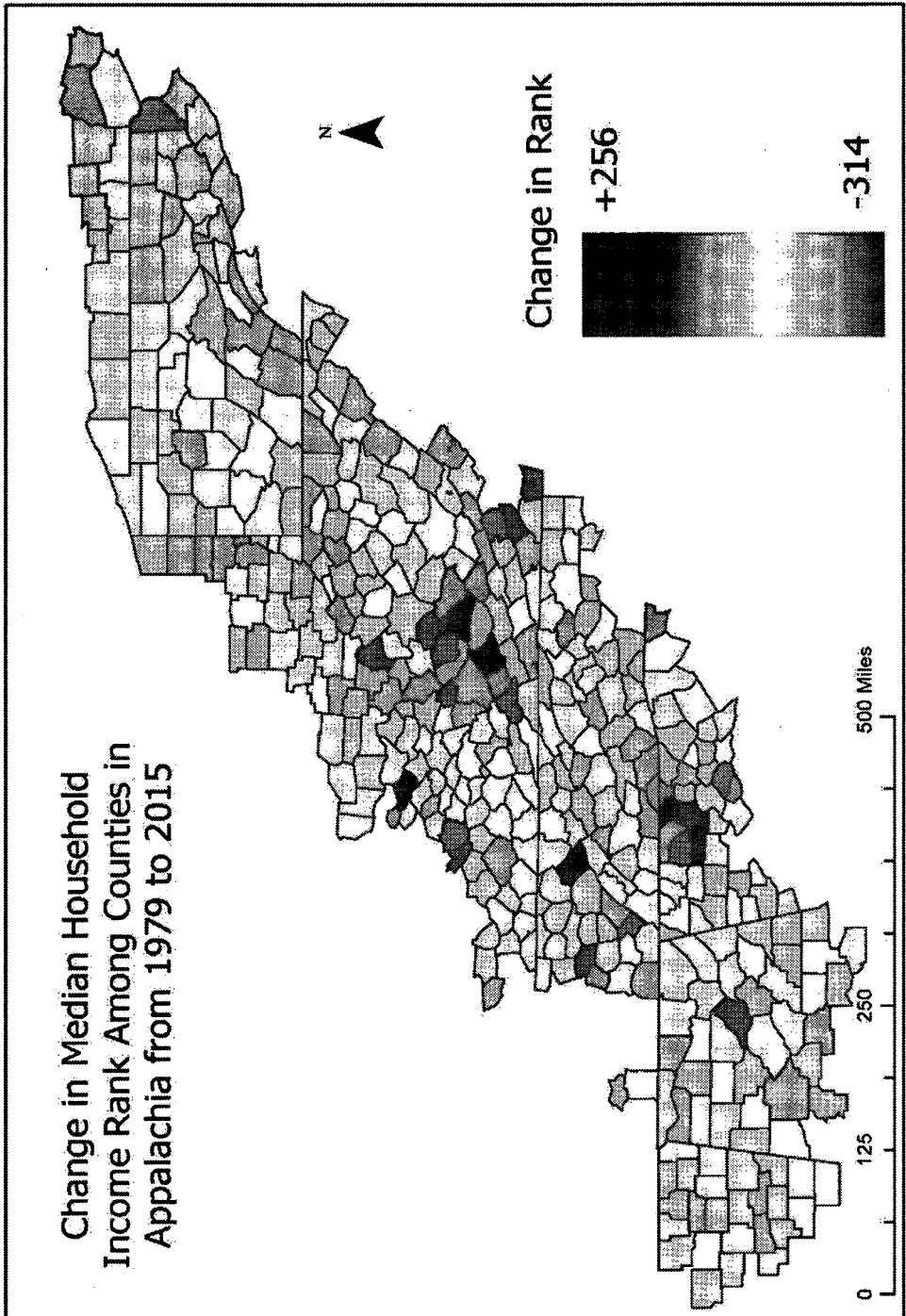
Figure 3b (“Income Change in Appalachia”) geographically depicts the severity of median household income change in Appalachian counties from 1979 to 2015. The spatial distribution of counties with the largest drop in income rank is clustered in the Central Appalachian sub-region.

Finally, for comparison, Figure 3c (“National Income – Voting Analysis”) analyzes the national percentage vote shift from Democrat to Republican and median household income changes from 1980 to 2016. Of the three tests, this income analysis had the highest national regression value ( $R^2 = 0.12$ ). Although the overall relationship remains attenuated, household income changes overall had a much greater impact on voting shift nationally than in Appalachia.

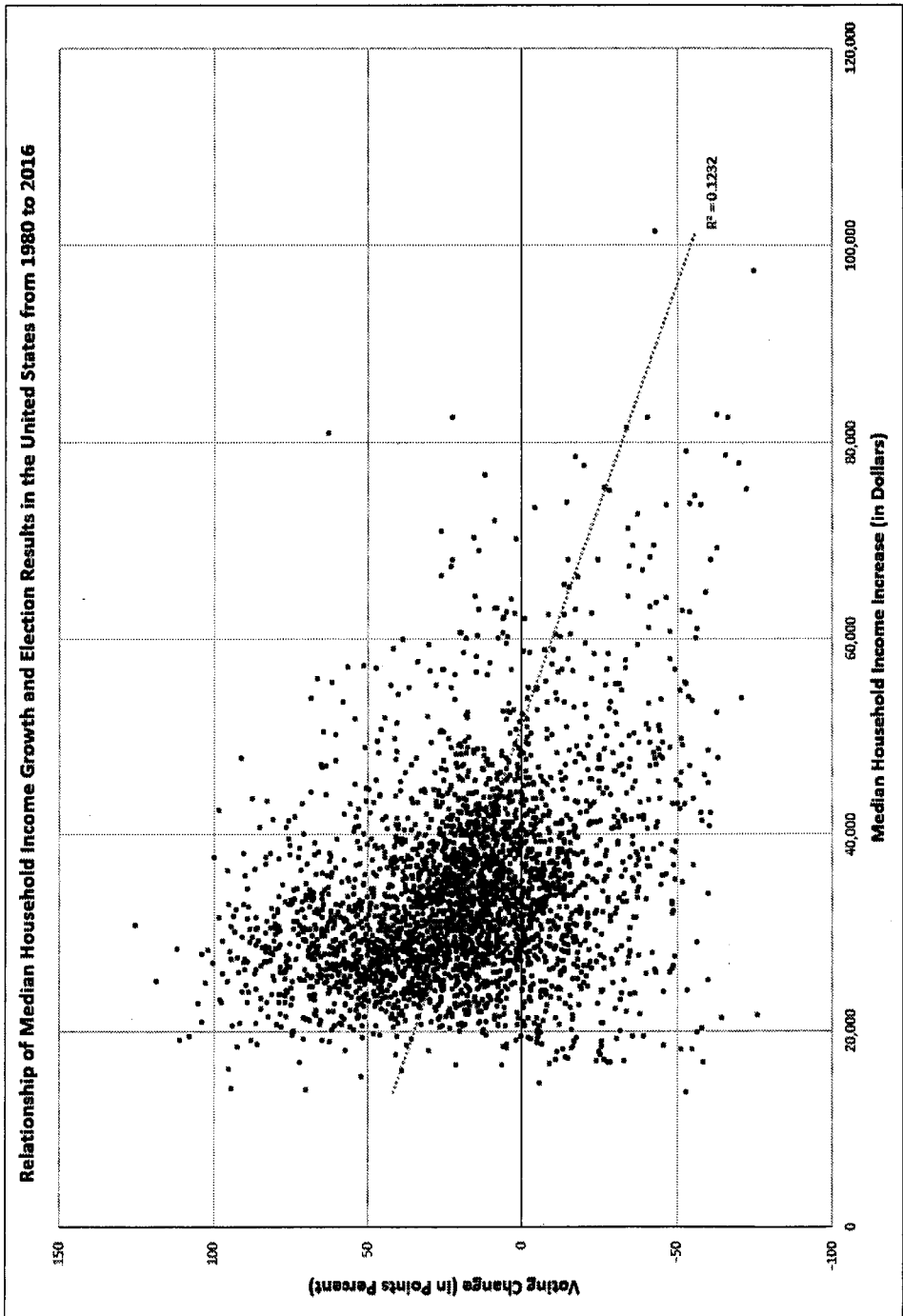
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<sup>177</sup> See 2 U.S.C. § 7 (2012).

Figure 3b: *Income Change in Appalachia*



**Figure 3c: National Income – Voting Analysis**



## IV. CONCLUSION: UNIFIED IN DIGNIFIED APPALACHIAN PRIDE

Upon what can Red and Blue Appalachians, Frank and Cashill, and Democrats and Republicans agree? That—by every statistical measure—socioeconomic inequality in the United States has grown more extreme over the last 30 years.<sup>178</sup> At its core, the *WTM* argument makes empirical claims about poor Americans.<sup>179</sup> Red conservatives and Blue liberals provide contrasting and often conflicting prescriptions and diagnoses for this national malaise.

Arlie Hochschild wonders if the future focus will be on “main street capitalism” versus “global capitalism” and “competitive capitalism” versus “monopoly” capitalism.<sup>180</sup> Quoting Robert Reich, she appears to believe that the “major fault line in American politics will shift from Democrat versus Republican to anti-establishment versus establishment,” or those who “see the game as rigged” versus “those who don’t.”<sup>181</sup>

Upon what can Appalachians, against whom the “game” in the past has undeniably been “rigged,” agree? As a starting point, Appalachians can agree that the target audience for all laws and policies in Appalachia should be individual Appalachians. The only benefits and improvements that should matter are those that stay within Appalachia’s borders. Despite Appalachia’s prodigious natural resource wealth, its “prime resource” remains, as President John F. Kennedy’s Presidential Appalachian Regional Commission (“PARC”) observed in 1964, its “people.”<sup>182</sup>

When reviewing national or international law or policy, the Appalachian Region needs to follow PARC’s original wisdom and maintain solidarity as a Region. Upon first meeting as a Commission, PARC wisely recognized that Appalachia’s best hope was to remain unified and seek integrated solutions that devote “attention to the entire [R]egion.”<sup>183</sup> “Future growth in all of the Appalachian subregions must be interdependent,” observed PARC, “Prosperity in the urban centers cannot reach desired levels unless the hinterlands also prosper. Solutions must be devised to assist both.”<sup>184</sup>

<sup>178</sup> See *Facts: Income Inequality in the United States*, INEQUALITY.ORG <https://inequality.org/facts/income-inequality/> (last visited Feb. 25, 2018) (citing Emmanuel Saez, Striking it Richer: The Evolution of Top Incomes in the United States 4 (June 30, 2016) (updated with 2015 preliminary estimates), <https://eml.berkeley.edu/~saez/saez-USStopincomes-2015.pdf>).

<sup>179</sup> See *supra* Part I.

<sup>180</sup> HOCHSCHILD, *supra* note 67, at 236.

<sup>181</sup> *Id.* (quoting ROBERT B. REICH, SAVING CAPITALISM: FOR THE MANY, NOT THE FEW 188 (Alfred A. Knopf 2015)) (internal quotation marks omitted).

<sup>182</sup> PRESIDENT’S APPALACHIAN REGIONAL COMMISSION, APPALACHIA: A REPORT BY THE PRESIDENT’S APPALACHIAN REGIONAL COMMISSION 1964, 21 (1964) [hereinafter PARC], <https://www.arc.gov/noindex/aboutarc/history/parc/PARCReport.pdf>.

<sup>183</sup> *Id.* at xviii.

<sup>184</sup> *Id.*

Even though Appalachia remains composed of unique counties and states with tremendous diversity,<sup>185</sup> the continuing national and international view of Appalachia as a *unified* Region may be the stereotyping sampling error's<sup>186</sup> only benefit. At least as a political force, essentialism continues to work for Appalachia.<sup>187</sup> United we stand, divided we fall.

If Appalachia was considered its own state, the Appalachian Region's 2015 population of 25,417,532 would make it the third largest state in the Union, behind California and Texas and in front of Florida.<sup>188</sup> With 12 states contained within its borders,<sup>189</sup> Appalachia has access to and influence over 24 U.S. Senators<sup>190</sup> (almost a fourth of the Senate—many more than California and Texas, which each only have two Senators<sup>191</sup>), 61 U.S. Representatives<sup>192</sup> (more than California's 55<sup>193</sup> and Texas' 38<sup>194</sup>) and 12 state governments. Controversially, in light of the 2016 U.S. Presidential election, Appalachia has access to 85 electors, or about 16% of the 538 total electors in the Electoral College<sup>195</sup> (more than California's 55<sup>196</sup> and Texas's 38<sup>197</sup>).

<sup>185</sup> See Stump & Lofaso, *supra* note 3, at 829–35.

<sup>186</sup> See *supra* note 8 and accompanying text.

<sup>187</sup> For a definition of essentialism, see *supra* note 5.

<sup>188</sup> Compare KELVIN POLLARD & LINDA A. JACOBSEN, THE APPALACHIAN REGION: A DATA OVERVIEW FROM THE 2011-2015 AMERICAN COMMUNITY SURVEY CHARTBOOK 5 (Mar. 2017), [https://www.arc.gov/assets/research\\_reports/DataOverviewfrom2011to2015ACS.pdf](https://www.arc.gov/assets/research_reports/DataOverviewfrom2011to2015ACS.pdf), with *State Population by Rank, 2015*, INFOPLEASE, <https://www.infoplease.com/us/states/state-population-rank-2015> (last visited Feb. 25, 2018).

<sup>189</sup> See *The Appalachian Region*, *supra* note 9.

<sup>190</sup> Appalachia as defined by ARC includes 12 states. See *id.* Each state is entitled to two U.S. Senators. U.S. CONST. art. I, § 3, cl. 1.

<sup>191</sup> See *id.*

<sup>192</sup> See GIS ANALYSIS, CONGRESSIONAL DISTRICTS LOCATED PARTIALLY OR COMPLETELY IN APPALACHIA (Jan. 19, 2018) (on file with authors).

<sup>193</sup> *United States Congressional Delegations from California*, BALLOTPEDIA [https://ballotpedia.org/United\\_States\\_congressional\\_delegations\\_from\\_California](https://ballotpedia.org/United_States_congressional_delegations_from_California) (last visited Feb. 25, 2018).

<sup>194</sup> *United States Congressional Delegations from Texas*, BALLOTPEDIA [https://ballotpedia.org/United\\_States\\_congressional\\_delegations\\_from\\_Texas](https://ballotpedia.org/United_States_congressional_delegations_from_Texas) (last visited Feb. 25, 2018).

<sup>195</sup> See generally *What is the Electoral College?*, NAT'L ARCHIVES AND RECORDS ADMIN., <https://www.archives.gov/federal-register/electoral-college/about.html> (last visited Feb. 25, 2018). A state's number of electors is one for each Representative and two for each Senator. *Id.*

<sup>196</sup> *Electoral College Information*, CAL. SECRETARY ST., <http://www.sos.ca.gov/elections/electoral-college/> (last visited Feb. 25, 2018).

<sup>197</sup> *Presidential Election in Texas, 2016*, BALLOTPEDIA, [https://ballotpedia.org/Presidential\\_election\\_in\\_Texas\\_2016](https://ballotpedia.org/Presidential_election_in_Texas_2016) (last visited Feb. 28, 2018).



If Appalachia's votes did indeed spell the difference in the 2016 Presidential election,<sup>198</sup> then let us maintain that collective political clout for the collective benefit. Appalachians cannot be expected to do anything but stick together in self-interest.

Considering the declining population and poverty of many Appalachian counties,<sup>199</sup> with only Appalachian Alabama and West Virginia consisting of the majority of their respective states,<sup>200</sup> if the Region divides into its constituent state or county identities, then each weaker, divided subunit surely will fall on its own. Within a state, Appalachian counties need to maintain solidarity. And needless to say, Appalachians within their respective counties need to promote laws and policies that best help those within their borders.

Although focusing on demonstrable, empirical evidence of Appalachian benefits provides a starting point, that starting point only goes so far. Even the best empirical research cannot avoid the inevitable value choices in all law and policy.<sup>201</sup> But limiting those value choices to fellow Appalachians can cabin options and encourage true bipartisanship.

For example, Appalachia's number one priority remains jobs. As PARC observed, "A decent job is necessary for the preservation of dignity."<sup>202</sup> From a legal and policy perspective, perhaps the fiercest debated question in Appalachia remains whether we are doing enough or too much to attract more decent jobs to the Region.<sup>203</sup> The Region's history and current dearth of lasting jobs demonstrates that perhaps in the past too much was done to attract jobs with little to show for it.<sup>204</sup> Perhaps the problem was that too often the beneficiaries, the target audience of laws and policies that impacted Appalachians, were people outside the Region who gave nothing permanent back to the Region.<sup>205</sup> Perhaps the problem is false dichotomies like saying we can have jobs or a better

<sup>198</sup> See Catte, *supra* note 3.

<sup>199</sup> POLLARD & JACOBSEN, *supra* note 188.

<sup>200</sup> See KELVIN POLLARD & LINDA A. JACOBSEN, THE APPALACHIAN REGION IN 2010: A CENSUS DATA OVERVIEW CHARTBOOK 2 (2011), <http://www.prb.org/pdf12/appalachia-census-chartbook-2011.pdf> (comparing Appalachian and non-Appalachian population by state).

<sup>201</sup> See Will Rhee, *Evidence-Based Federal Civil Rulemaking: A New Contemporaneous Case Coding Rule*, 33 PACE L. REV. 60, 149 (2013).

<sup>202</sup> PARC, *supra* note 182, at 49.

<sup>203</sup> See, e.g., Jim Justice, *Jim Justice: Lack of Jobs Creates So Many of State's Ills*, HERALD-DISPATCH (Oct. 10, 2016), [http://www.herald-dispatch.com/opinion/jim-justice-lack-of-jobs-creates-so-many-of-state/article\\_67c454a4-7664-5adf-bc78-3266a5008190.html](http://www.herald-dispatch.com/opinion/jim-justice-lack-of-jobs-creates-so-many-of-state/article_67c454a4-7664-5adf-bc78-3266a5008190.html). Jim Justice was elected Governor of West Virginia in 2016. See *About Jim*, OFF. OF THE GOVERNOR: JIM JUSTICE, <https://governor.wv.gov/Pages/default.aspx> (last visited Feb. 25, 2018).

<sup>204</sup> See STEVEN STOLL, RAMP HOLLOW: THE ORDEAL OF APPALACHIA 263–71 (2017).

<sup>205</sup> See *id.*

environment,<sup>206</sup> or jobs and individual rights,<sup>207</sup> but not both. Perhaps all Appalachians have been snookered by the whims of chameleon corporations which when convenient can switch between an apolitical, impersonal economic space and a political, personal space.<sup>208</sup>

Or perhaps the problem is that Appalachia is not doing enough to attract good jobs. In 2017, for example, CNBC named West Virginia, the only state entirely in Appalachia,<sup>209</sup> the worst state for business in the nation.<sup>210</sup> President Donald Trump is correct that if Appalachia cannot attract more jobs, then, like urban Appalachians before them,<sup>211</sup> Appalachians need to move to where the jobs are.<sup>212</sup>

The answer to this question is not only beyond the scope of this Essay but also probably beyond anyone's ability to answer. The best we can do is adopt laws and policies through an imperfect political process. Publicly articulating the anticipated benefits or burdens on the target audience that those laws and policies should have identifies empirical assumptions. Through genuine empirical evidence about the target audience, we can truly hold lawmakers and policymakers accountable. Did their assumptions about our fellow Appalachians become reality? If not, can they admit that their assumptions proved wrong and experiment with a different approach?<sup>213</sup>

Returning to our example, perhaps short-term money and benefits must temporarily flow outside Appalachia to attract jobs. But for the long-term, the benefits that relevant laws and policies brought to individual Appalachians must outweigh the costs.<sup>214</sup> If somebody must get rich to bring jobs to Appalachia, then let that person be an Appalachian committed to Appalachia as opposed to a New York City robber baron. And if a partisan side loses the political debate

<sup>206</sup> See HOCHSCHILD, *supra* note 67, at 62–63.

<sup>207</sup> See DAVID A. CORBIN, *LIFE, WORK, AND REBELLION IN THE COAL FIELDS: THE SOUTHERN WEST VIRGINIA MINERS, 1880-1922* 10 (W. Va. Univ. Press ed., 2d ed. 2015)

<sup>208</sup> See Davies, *supra* note 146, at 419.

<sup>209</sup> See *The Appalachian Region*, *supra* note 9.

<sup>210</sup> Scott Cohn, *In an Economic Death Spiral: West Virginia Is America's Worst State for Business in 2017*, CNBC (July 12, 2017, 4:11 PM), <https://www.cnn.com/2017/07/11/west-virginia-americas-worst-state-for-business-in-2017.html>.

<sup>211</sup> For a definition of urban Appalachians, see *supra* note 10.

<sup>212</sup> See Heather Long, *Trump Is Right About This: Americans Need to Move Where the Jobs Are*, WASH. POST (Aug. 3, 2017), [https://www.washingtonpost.com/news/wonk/wp/2017/08/03/trump-is-right-americans-need-to-move-where-the-jobs-are/?utm\\_term=.70091361bf9a](https://www.washingtonpost.com/news/wonk/wp/2017/08/03/trump-is-right-americans-need-to-move-where-the-jobs-are/?utm_term=.70091361bf9a).

<sup>213</sup> See Rhee, *supra* note 5, at 1329.

<sup>214</sup> For an example of a cost-benefit analysis between coal jobs and life, see Michael Hendryx & Melissa Ahern, *Mortality in Appalachian Coal Mining Regions: The Value of Statistical Life Lost*, PUB. HEALTH REPS. 124(4) 541, 542–43 (2009). The authors offer this analysis as an example and do not intend to adopt its controversial findings in this Essay.

over that particular policy, let the loser lose gracefully, proud that at least a local who shall give back to Appalachia is benefiting from the loss, and, hopefully, aware that public reason will hold the policy politically accountable to deliver real, measurable improvement to Appalachian lives.

For as Ohio Governor John Gilligan understood:

No part of this country has given more to the progress of the nation—and paid more profoundly for it—than Appalachia. . . .

We have to be ingenious enough to protect the pride of mountain families and their children. . . . For in that pride lies the future of the Appalachian Region.<sup>215</sup>

And as Appalachian June Carter Cash understood, despite our continuing poverty and ideological differences, we Appalachians can remain unified, dignified, and happy in our genuine Appalachian pride.<sup>216</sup>

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<sup>215</sup> John J. Gilligan, *The Invisible Urban Appalachian*, 7 APPALACHIA: J. APPALACHIAN REGIONAL COMMISSION 30, 31 (1974).

<sup>216</sup> See CASH, *supra* note 1.